

AMENDED IN ASSEMBLY MAY 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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 amended, 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~~ *a dependent or ward of the juvenile court pursuant to specified provisions of law.*

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:

1 8235.5. (a) The Legislature finds and declares that children
2 of youth that are in custody, on probation, or are in the foster care
3 system are at high risk of developmental delays and other cognitive,
4 social, and emotional difficulties.

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

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

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

17 8236. (a) For purposes of this section, the following definitions
18 apply:

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

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

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

27 (4) "Superintendent" means the Superintendent of Public
28 Instruction.

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

32 (b) (1) Each applicant or contracting agency funded pursuant
33 to Section 8235 shall give first priority to neglected or abused
34 children who are recipients of child protective services, recipients
35 who are at risk of being neglected or abused, upon written referral
36 from a legal, medical, or social service agency, or children who
37 have a biological parent who is, or who has been within the
38 previous six months, ~~under the jurisdiction of the delinquency or~~
39 ~~dependency court~~ *a dependent or ward of the juvenile court,*
40 *pursuant to Section 300, 601, or 602 of the Welfare and Institutions*

1 *Code*. If an agency is unable to enroll a child in this first priority
2 category, the agency shall refer the child's parent or guardian to
3 local resource and referral services so that services for the child
4 can be located.

5 (2) After children in the first priority category set forth in
6 paragraph (1) are served, each agency funded pursuant to Section
7 8235 shall serve eligible four-year-old children prior to serving
8 eligible three-year-old children. Each agency shall certify to the
9 Superintendent that enrollment priority is being given to eligible
10 four-year-old children.

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

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

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

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

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

37 (i) Neglected or abused children who are recipients of child
38 protective services, recipients who are at risk of being neglected
39 or abused, upon written referral from a legal, medical, or social
40 services agency, or children who have a biological parent who is,

1 or who has been within the previous six months, under the
2 jurisdiction of the delinquency or dependency court.

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

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

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

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