[MS-0398.034.004.002] Jimmie Slack

AMENDED IN ASSEMBLY MAY 6, 1991

AMENDED IN ASSEMBLY APRIL 22, 1991

Introduced by Assembly Member Speier
March 8, 1991

An act to add Chapter 2.5 (commencing with Section 8499) to Part 6 of, and to repeal Section 8286 of, the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

AB 2141, as amended, Speier. Child care: partnership for child care.

(1) Existing law requires the Governor to appoint an advisory committee to assist the State Department of Education in developing a state plan for child development programs, as specified.

This bill would repeal this provision and would, instead, require the California Child Care Partnership Council to assist the department, as specified. The bill also would require the Child Development Program Advisory Committee to continue to serve until June 30, 1992, or until all members of the council are appointed, whichever occurs first.

(2) Existing law provides for the licensure and regulation of child day care facilities.

This bill would create the California Child Care Partnership Council, as specified. It would impose a number of duties on the council, including, but not limited to, adoption of guidelines prior to December 31, 1992, for, and provision of information, training, and technical assistance to, local communities in preparation of their community child care plans, evaluation of the effectiveness of those provisions, and submission of a biennial evaluation to the Governor and Legislature no later than December 31 of each even-numbered year commencing in 1994. It would require the council to assist the state lead agency in developing a state plan for the administration of federal Child Care and Development Block Grant funds.

The bill would require the council to establish its own rules and procedures and to select an executive director, who would be exempt from civil service requirements.

The bill would request each board of supervisors to complete one of several specified options regarding the establishment of a local child care planning body and the preparation of a countywide, community-based child care plan by December 31, 1992, and to report that action to the council.

This bill would encourage local jurisdictions to make efforts to ensure that the community child care plan meets prescribed requirements. It would provide for the prescribed distribution of federal Child Care and Development Block Grant funds allocated for local expansion of child care services.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

DELETED MATERIAL IS IN BRACKETS []. ADDED MATERIAL IS CAPITALIZED.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) The availability of affordable, quality child care is vital to the future economic viability of the State of California and the well-being of its families.

(b) The number of children living in families where both parents work outside the home, or living in families with a single parent who works outside the home, has increased dramatically over the last decade.

(c) The availability of affordable, quality child care is critical to the self-sufficiency and independence of millions of California families, including the growing number of mothers with young children who must work outside the home because of economic necessity.

(d) High quality child care and development programs, including, but not limited to, those administered by the State Department of Education, can strengthen our society by providing young children with the foundation on which to learn the basic skills necessary to become productive workers.

(e) The lack of available, affordable, quality child care services results in many preschool and school-age children being left without adequate supervision for significant parts of the day.

(f) It is in the best interest of California and its families to foster a coordinated, comprehensive child care system which maximizes parental responsibility and parental choice for children from birth to 14 years of age, from families of all income levels, all ethnic groups, and including those children with special needs.

(g) Child care needs statewide are diverse and complex; no single approach fits all communities. Existing resources are also diverse and vary in their availability from community to community. The State of California's effort to meet child care needs must recognize community differences, allow for a pluralistic system, encourage local innovation and initiative, and provide encouragement and assistance to parents of preschool children to afford them the opportunity of caring for their children at home.

(h) Planning for child care services should be accomplished by a partnership of all groups of persons concerned with providing safe, affordable, high-quality child care services to California families. It is, therefore, the intent of the Legislature that communities develop local planning councils to plan for child care and development, to coordinate child care services in their communities, and to determine local priorities for new state and local funding.

(i) It is also the intent of the Legislature that local child care planning councils formed under this chapter determine local priorities for the use of the federal Child Care and Development Block Grant.

SEC. 2. Section 8286 of the Education Code is repealed.

SEC. 3. Chapter 2.5 (commencing with Section 8499) is added to Part 6 of the Education Code, to read: C 2.5. P C C

8499. For purposes of this chapter, the following definitions shall

apply:

(a) ''Council'' means the California Child Care Partnership Council.

(b) ''Committee'' means the Child Development Program Advisory Committee as described in subdivision (a) of Section 8499.4.

(c) ''Child care'' means all child care and development services, including private for-profit, nonprofit, and public programs, for all children, including children with special needs and those from multilingual and multicultural backgrounds.

(d) ''Child care and development block grant'' or ''block grant'' means the block grant contained in the federal Child Care and Development Block Grant Act of 1990, [as cited in Section 8499.2] AS ESTABLISHED BY THE FEDERAL OMNIBUS BUDGET RECONCILIATION ACT OF 1990, PUBLIC LAW 101-508.

8499.1. (a) There is hereby created in the state government the California Child Care Partnership Council.

(b) The council shall consist of 23 regular members and six ex officio state government members, as follows:

(1) Four members shall represent a cross section of California employers. At least two shall sponsor child care programs for their employees. The Governor shall appoint two and the Speaker of the Assembly and Senate Committee on Rules shall each appoint one.

(2) Six members, including two county supervisors, two city council members or mayors, one member of a local board of education, and one member of a county board of education. At least one member from each category shall come from a local jurisdiction which sponsors a child care program for its employees. The Governor shall appoint these members from lists of candidates submitted by their respective, statewide associations.

(3) Two members shall represent organized labor; one shall be appointed by the Speaker of the Assembly and one shall be appointed by the Senate Committee on Rules. At least one labor representative shall either represent child care employees, or be involved in operating or sponsoring a child care and development program.

(4) One member appointed by the Speaker of the Assembly shall represent the local state-funded child care resource and referral programs.

(5) One member shall represent nonprofit child care providers and shall be appointed by the Senate Committee on Rules.

(6) One member shall represent for-profit child care providers and shall be appointed by the Governor.

(7) Three members shall represent state subsidized child care providers and shall be appointed by the Superintendent of Public Instruction.

(8) One member who is an academician, specializing in child development, shall be appointed by the Governor.

(9) One member shall be a family day care provider and shall be appointed by the Governor.

(10) Two parents who are consumers of child care services, one to be appointed by the Senate Committee on Rules and one to be appointed by the Speaker of the Assembly.

(11) One member shall be a Head Start provider and shall be appointed by the Governor.

(12) The following shall serve as ex officio voting members: Superintendent of Public Instruction; Secretary of the Health and Welfare Agency; two Senators, one from the majority party and one from the minority party, appointed by the Senate Committee on Rules; and two Assembly Members, one from the majority party and one from the minority party, appointed by the Speaker of the Assembly.

Every effort shall be made to ensure that the ethnic and racial composition of the council is reflective, on a statewide basis, of the geographic, ethnic, and racial distribution of persons and families to be served by the comprehensive child care system to be developed by the California Partnership for Child Care Action Plan.

(c) All members, except for state officials, shall serve four-year terms except that upon initial appointment of the council, the following members shall serve two-year terms: the two employer members appointed by the Governor; one city council member or mayor; one local board of education member; one county supervisor; two members representing subsidized child care providers; the member representing nonprofit child care providers; parent-consumers of child care services; and one member representing organized labor. In no event shall any member serve more than two terms.

(d) The council shall select annually one of its members to be chair, and one to serve as vice chair. The council shall be responsible for selection of an executive director, who shall be exempt from state civil service requirements. The executive director shall be responsible for hiring other staff as needed. The council shall establish its own rules and procedures.

(e) The members of the council shall serve without compensation, except they shall receive their actual and necessary expenses incurred in the performance of their duties and responsibilities, including traveling expenses. Reimbursement of other expenses, which are determined to be necessary for the council to function, but do not exceed the council's budget, may be approved by the council chair or the executive director of the council.

8499.2. (a) The council shall assist the State Department of Education in developing a state plan for subsidized child development programs administered by the State Department of Education pursuant to Chapter 2 (commencing with Section 8200). The council shall also assist the state lead agency in developing a state plan for administration of funds from the federal Child Care and Development Block Grant Act of 1990, established by Section 5082 of the Omnibus Reconciliation Act of 1990 (P.L. 101-508).

(b) The council shall continually evaluate the effectiveness of those programs and shall report thereon at each regular session of the Legislature.

(c) The council shall:

(1) Hold public hearings on the plans for administration of the child care and development block grant and on subsidized care, and make recommendations to the Legislature, the Governor, and the Superintendent

of Public Instruction with regard to possible improvements to these plans.

(2) Coordinate the drafting of guidelines for child care planning councils to use in the preparation of their community child care plans pursuant to Section 8499.6. The council shall request state and local agencies to submit suggested guidelines. The final guidelines shall be drafted by the council in consultation with local child care agencies, child care planning councils, the Secretary of Child Development and Education, the State Department of Education, and the State Department of Social Services. The guidelines shall include, but not be limited to, provisions for assessing child care supply, demand, cost and facility needs in terms of age, family income level, special needs, and multilingual and multicultural background.

(3) Provide information and technical assistance to local communities preparing local plans.

(4) Review community child care plans, and generate strategies for all of the following:

(A) Mobilizing public and private resources to meet local child care needs.

(B) Enhancing existing child care coordination efforts.

(C) Compiling the data from community plans to develop a picture of state child care needs.

(5) Evaluate the effectiveness of this chapter and the impact of the implementation of the community child care plans, including the extent to which this chapter has resulted in the expansion of child care services within local communities.

(6) Submit a biennial evaluation to the Governor and Legislature no later than December 31 of each even-numbered year, commencing with December 31, 1994.

(7) Coordinate, on the state level, with children's services, programs, and agencies to ensure the efficient use of state funds and to prevent the duplication of services, as specified in the Presley-Brown Interagency Children's Services Act (Chapter 12.8 (commencing with Section 18986) of Part 6 of Division 9 of the Welfare and Institutions Code).

8499.3. Funds from the child care and development block grant allocated for local expansion of child care services shall be distributed by the state lead agency as follows:

(a) Each county shall receive a minimum grant.

(b) Above the minimum grant, the size of the allocations to counties shall be based on a formula, developed by the State Department of Education, which takes into account county population[,] OF THE CHILDREN, BIRTH TO 14 YEARS OF AGE, INCLUSIVE, AND the percentage of children in each county receiving AFDC grants[, and the percentage of funding for] [the State Department of Education state-subsidized child care and] [development programs currently allocated to the] [county.] . THE FORMULA SHALL ALSO CONSIDER COUNTIES' CURRENT ALLOCATIONS FROM THE STATE DEPARTMENT OF EDUCATION FOR SUBSIDIZED CHILD CARE AND DEVELOPMENT PROGRAMS AND ATTEMPT TO CREATE GEOGRAPHIC EQUITY AMONG THE COUNTIES IN THE DISTRIBUTION OF THE BLOCK GRANT FUNDS.

(c) Once the size of the grant has been determined, funds above the minimum grant shall be distributed by the state lead agency according to the priorities listed by each child care planning council unless they do not meet the requirements of the federal regulations and state guidelines for these guidelines developed pursuant to Section 8499.2.

(d) If a county has not submitted a plan, the Superintendent of Public Instruction shall determine distribution of funds within the county.

8499.4. (a) The Child Development Program Advisory Committee established pursuant to Section 8286 of the Education Code shall continue to serve until June 30, 1992, or until all members of the council are appointed, whichever occurs first. The fiscal year 1991|92 budget, office, executive director, and staffing levels of the Child Development Program Advisory Committee shall be maintained until at least June 30, 1992. Prior to the appointment of the council, the committee and its staff shall be responsible for ongoing duties of evaluating state child care and development programs, and assisting counties in establishing local councils and plans until the council is appointed.

(b) The State Director of Health Services, the Director of Social Services, and the Director of Developmental Services shall provide assistance to the council as needed.

8499.5. In order to initiate local child care planning, and to set priorities for use of the child care and development block grant, the county board of supervisors and the county board of education are requested to accomplish the following:

(a) Notify the state lead agency for the child care and development block grant of their decision to participate in local efforts to plan for child care and to set priorities for new funds. If one of the two boards decides not to participate in these efforts, the other board may act alone, but should notify the other county board of its decision.

(b) Appoint a countywide child care planning council. Membership on the council should include, but need not be limited to, representatives from the following:

(1) County and city government officials or elected officials knowledgeable about local planning issues, child care, recreation, and social services for children and families.

(2) County office of education.

(3) School districts and community colleges within the county. Representatives should be knowledgeable about child care and development programs.

(4) Local state-funded child care resource and referral agency.

(5) Local government child care coordinator.

(6) Child care and Head Start providers and child development experts.

(7) Parents who use child care services.

(8) Employers, labor organizations, and community organizations knowledgeable about child care in the community.

(c) If a county already has a child care or children's services council, such as those established pursuant to the Presley-Brown

Interagency Children's Services Act (Chapter 12.8 (commencing with Section 18986) of Part 6 of Division 9 of the Welfare and Institutions Code), the board or boards may designate this council as the child care planning council, as long as the council has or can achieve the representation set forth in this section.

(d) Prior to selecting the members of the local planning body, the board or boards should publicize its or their intention to select the members and should invite local organizations to submit nominations.

(e) Every effort shall be made to ensure that the ethnic and racial composition of the child care planning council is reflective of the ethnic and racial distribution of the persons and families in the community.

(f) In a county where a city selection committee is created pursuant to Section 50270 of the Government Code, the board or boards shall request that committee to select the city representatives to serve on the child care planning council.

8499.6. Child care planning councils are encouraged to do all of the following:

(a) Elect a chair and appoint staff as needed.

(b) Develop local priorities for the distribution of federal and state funds as they become available. Local priorities for expansion of subsidized child care and development services under the child care and development block grant should list the types of services most needed by families eligible under the block grant, the ages of the children needing care, and the specific geographic areas within the county where care is needed. These priorities should be documented by data on supply, demand, cost and market rates for child care in the community. In addition, child care planning councils should list their priorities for state and local activities to improve the quality of child care. In developing priorities, the child care planning council should consult and coordinate with other county interagency children's services councils. The child care planning council should publicize proposed priorities and gather public input before submitting the priorities to the state lead agency.

(c) Review and update local priorities every two years, if the child care planning council intends to continue to receive funding based on local priorities.

(d) Prepare a comprehensive, countywide community child care plan. Child care planning councils are encouraged to make every effort to include provisions in the plan that comply with all of the following:

(1) It describes and analyzes the present and future child care needs within that county for a five-year period, based on demographic information and supply and demand data in accordance with guidelines adopted by the council pursuant to [Section 25967.5] PARAGRAPH (2) OF SUBDIVISION (C) OF SECTION 8499.2.

(2) It contains a plan to meet the child care needs of its county and to develop a comprehensive county child care system by mobilizing public and private resources using, to the extent feasible, expertise and

existing data developed by local state-funded child care resource and referral programs and other state and local agencies and complementing existing resources.

(3) It provides for a biennial update of the child care plan consistent with a schedule established by the council and provides for a review by the local jurisdiction at least once biennially of the planning option chosen by the jurisdiction.

(4) It fosters a child care system which maximizes parental responsibility and parental choice.

(5) It considers financing alternatives to implement the action plan.

(6) It identifies priorities for expansion of child care services taking into consideration the age, special needs, family income level, the needs of children of migrant workers during seasonal work periods, multilingual backgrounds, and multicultural backgrounds of the children requiring child care services.

(7) It identifies the needs and lists priorities for expansion of subsidized child care programs administered by the State Department of Education and State Department of Social Services, and by the federal Head Start Program (42 U.S.C. Sec. 9831 et seq.).

(8) It describes the strategies and mechanisms for assisting and upgrading the quality of child care.

(9) It explains how county and city land use and transportation policies can be used to promote and foster the availability of child care services.

(10) It describes the roles and responsibilities of all relevant public and private agencies in meeting local child care needs.

(11) It identifies current and prospective local funding sources and potential contributions to a community child care fund.

(12) It identifies the roles of the existing local state-funded child care resource and referral program in the implementation of the plan.

(13) It describes the relationships of the local programs pursuant to the federal Head Start Program (42 U.S.C. Sec. 9831 et seq.), the GAIN program established pursuant to Article 3.2 (commencing with Section 11320) of Part 3 of Division 9 of the Welfare and Institutions Code, the JOBS program established pursuant to Title II (commencing with Section 201) of the Family Support Act of 1988 (P.L. 100-485), and the federal Job Training Partnership Act (29 U.S.C. Sec. 1501 et seq.) to the plan, and, where applicable, it describes the coordination with the California Child Care Initiative Project established by Section 8215 of the Education Code.

(14) It is consistent with all guidelines adopted by the council pursuant to paragraph (2) of subdivision (c) of Section 8499.2.

(e) If a local jurisdiction already has a preexisting countywide, community child care plan that meets the intent of this chapter, it may submit that plan to the council. The plan may include subplans developed by local jurisdictions within the county.

(f) The child care planning council shall consult and coordinate with any county interagency children's services coordination councils authorized pursuant to the Presley-Brown Interagency Children's Services Act (Chapter 12.8 (commencing with Section 18986) of Part 6 of

Division 9 of the Welfare and Institutions Code).

(g) Before adopting a community child care plan, copies of the proposed plan shall be made available to the public and at least one public hearing on the plan shall be held.

(h) Any community child care plan which is prepared should be submitted to the council, the State Department of Education, the Office of Child Development and Education, and the State Department of Social Services.

(i) The child care planning council should consult with the local state-funded child care resource and referral program regarding the program's assistance in formulating the priorities for block grant funding and preparing the community child care plan. To the extent that funds from the block grant may be allocated for coordination activities performed by resource and referral agencies, compensation may be provided to the program for additional activities beyond those already funded by the state.