

AMENDED IN ASSEMBLY MAY 16, 2019

AMENDED IN ASSEMBLY APRIL 30, 2019

AMENDED IN ASSEMBLY APRIL 12, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1001

**Introduced by Assembly Member Ting
(Coauthor: Assembly Member Mullin)**

February 21, 2019

An act to amend Sections 8277.6, 8279.3, 8286, 8332.3, 8335.3, 8358, 8359, 8499, 8499.3, 8499.5, and 8499.7 of, and to add Section 8499.6 to, the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1001, as amended, Ting. Child care: strategic planning councils. Existing law requires the county board of supervisors and the county superintendent of schools to select members for the local child care and development planning council, known as a local planning council, for that county. Existing law provides requirements for the makeup of a local planning council. Existing law requires a local planning council, by May 30 of each year, and upon approval by the county board of supervisors and the county superintendent of schools, to submit to the State Department of Education the local priorities it has identified that reflect all child care needs in the county, and requires the local planning council, in order to identify those local priorities, to do certain things, including, among others, encourage public input in the development of the priorities, collaborate with specified entities to foster partnerships designed to meet local child care needs, and conduct an assessment of child care needs in the county at least once every 5 years. Existing law

defines “child care” for purposes of these provisions to mean all licensed child care and development services and license-exempt child care for all children up to and including 12 years of age, as provided.

This bill would rename “local planning council” to “strategic planning council” and would revise the definition of “child care” to include early childhood education services. The bill would revise the makeup requirements for strategic planning councils, as provided. The bill would authorize a county board of supervisors and a county superintendent of schools to merge the strategic planning council with the Quality Rating and Improvement System local consortia or with another strategic planning council in a contiguous county under certain conditions, as provided. The bill would repeal all of the requirements imposed on strategic planning councils in order for the strategic planning council to identify local priorities, except those listed above, as provided. The bill would require the needs assessment to be due by May 30 of each year in which it is due, and would require a strategic planning council, beginning in 2021, to use the needs assessment template developed by the department in collaboration with the strategic planning councils. The bill would require specified state and local entities to provide to the department the information necessary for a strategic planning council to complete the needs assessment, and would require the department to share data and information necessary to complete the needs assessment with strategic planning councils and counties implementing individualized county child care subsidy plans.

The bill would require a strategic planning council, on or before March 30, 2021, and every 3 years thereafter, to develop and submit to the county board of supervisors and the county board of education a strategic plan and investment priorities, and would require the strategic plan to address facility needs, workforce needs, family access, and quality and transition planning, as provided. The bill would require the county board of supervisors and the county board of education to hold public hearings on the proposed strategic plan and investment priorities at a regularly scheduled meeting. The bill would require a strategic planning council, at least twice each year, to convene a forum for stakeholders to provide input to and receive updates from the Quality Rating and Improvement System local consortium. The bill would require a strategic planning council to work with the county office of education, special education local plan areas, and the school districts and regional centers in the county to facilitate the transition of children with exceptional needs into the K–12 system. By imposing new duties

on strategic planning councils, the bill would impose a state-mandated local program. The bill would provide that the operation of these provisions is contingent upon an appropriation in the annual Budget Act for these purposes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. Section 8277.6 of the Education Code is amended
2 to read:
3 8277.6. (a) Notwithstanding Section 89, for purposes of this
4 section “department” means the Department of Housing and
5 Community Development.
6 (b) The department shall administer the Child Care and
7 Development Facilities Loan Guaranty Fund and the Child Care
8 and Development Facilities Direct Loan Fund. The department
9 may administer the funds directly, through interagency agreements
10 with other state agencies, through contracts with public or private
11 entities, or through any combination thereof. If the department
12 determines that a public or private entity is capable of making
13 child care and development facilities loans or loan guarantees, the
14 department may delegate the authority to review and approve those
15 loans or guarantees to the public or private entity. The department
16 is authorized to enter into interagency agreements to carry out the
17 purposes of this section and Section 8277.5 by using the services
18 of small business financial development corporations established
19 pursuant to Chapter 1 (commencing with Section 14000) of Part
20 5 of Division 3 of *Title 1* of the Corporations Code. Toward this
21 end, the department is authorized to transfer funds from the Child
22 Care and Development Facilities Direct Loan Fund to the
23 California Economic Development Grant and Loan Fund
24 established by Section 15327 of the Government Code and to

1 transfer funds from the Child Care and Development Facilities
 2 Loan Guaranty Fund to the *California* Small Business Expansion
 3 Fund established by Section ~~14030 of the Corporations~~ *63089.5*
 4 *of the Government* Code. Those funds shall be deposited into a
 5 Child Care Direct Loan Fund Account and a Child Care Loan
 6 Guaranty Fund Account hereby established in the respective funds.
 7 Notwithstanding anything to the contrary in Chapter 1
 8 (commencing with Section 15310) of Part 6.7 of Division 3 of
 9 Title 2 of the Government Code and Chapter 1 (commencing with
 10 Section 14000) of Part 5 of Division 3 *of Title 1* of the Corporations
 11 Code, the funds in these accounts shall be administered in
 12 compliance with the requirements of this section and Section
 13 8277.5.

14 (c) Eligible applicants for the loan guaranty program and the
 15 direct loan program shall include, but not be limited to, sole
 16 proprietorships, partnerships, proprietary and nonprofit
 17 corporations, and local public agencies that are responsible for
 18 contracting with or providing licensed child care and development
 19 services. Eligible facilities shall include licensed full-day and
 20 part-day child care and development facilities and licensed large
 21 family-day-care *daycare* homes as described in Section 1597.465
 22 of the Health and Safety Code, and licensed small family-day-care
 23 *daycare* homes as described in Section 1597.44 of the Health and
 24 Safety Code.

25 (d) Loan guarantees and direct loans for family child care homes
 26 shall not be made for the purpose of purchasing a home or any real
 27 property.

28 (e) The State Department of Education shall provide input
 29 regarding program priorities that shall be considered in the funding
 30 of applications by the department. These priorities shall include,
 31 but are not limited to, the following:

32 (1) Geographic priorities based on the extent of need for child
 33 care and development supply-building efforts in different parts of
 34 the state.

35 (A) Not less than 30 percent of the loan guarantee and direct
 36 loan obligations shall benefit providers located in rural areas, as
 37 defined in subparagraph (B). If the amount of qualified applications
 38 from rural providers is insufficient to satisfy this requirement, the
 39 excess capacity reserved for rural providers may be made available
 40 to other qualified applications according to the policies and

1 procedures of the department. The remaining 70 percent of funds
2 shall be available to rural or urban areas and other priorities in
3 accordance with this subdivision.

4 (B) For purposes of subdivision (a), rural communities are
5 defined by any county with fewer than 400 residents per square
6 mile.

7 (2) Age priorities based on the extent of need for child care and
8 development supply-building efforts for children of different age
9 groups.

10 (3) Income priorities shall include families transitioning to work
11 or other lower income families. For purposes of this section, “lower
12 income” shall have the same meaning as “income eligible” as set
13 forth in Section 8263.1.

14 (4) Program priorities based on the extent of facilities needs
15 among specific kinds of providers, including those that contract
16 to administer state and federally funded child care and development
17 programs administered by the State Department of Education,
18 providers who have lost classrooms due to class size reduction or
19 other state or local initiatives, or providers that need to expand to
20 meet the needs of a child care initiative for recipients of aid under
21 Chapter 3 2 (commencing with Section 11200) of Part 3 of Division
22 9 of the Welfare and Institutions Code, or any successor program.

23 (f) The program priorities shall reflect input from representatives
24 of diverse sectors of the child care and development field, financial
25 institutions, strategic planning councils, the Child Development
26 Programs Advisory Committee, and the State Department of Social
27 Services for purposes of identifying communities with high
28 percentages of recipients of aid under Chapter 3 2 (commencing
29 with Section 11200) of Part 3 of Division 9 of the Welfare and
30 Institutions Code, or any successor program, who need child care
31 to meet work requirements. As part of its annual report to the
32 Legislature, required pursuant to Section 50408 of the Health and
33 Safety Code, the department shall assess and report, after
34 consultation with the State Department of Education, on the
35 performance, effectiveness, and fiscal standing of the Child Care
36 and Development Facilities Loan Guaranty Fund and the Child
37 Care and Development Facilities Direct Loan Fund. The report
38 shall include information on the number of defaults, the types of
39 facilities in default, and a review of the adequacy of the set-aside
40 for rural areas specified in paragraph (1) of subdivision (e).

1 (g) The department shall adopt regulations and establish
2 priorities, forms, ~~policies~~ *policies*, and procedures for implementing
3 and managing the Child Care and Development Facilities Loan
4 Guaranty Fund and the Child Care and Development Facilities
5 Direct Loan Fund and making the loan guarantees and direct loans
6 authorized hereunder consistent with priorities provided by the
7 State Department of Education. To the extent feasible, the
8 department shall use applicant fees and points to cover its
9 administrative costs. The department may use an amount of money
10 from the Child Care and Development Facilities Loan Guaranty
11 Fund and the Child Care and Development Facilities Direct Loan
12 Fund, as appropriate, for reasonable administrative costs in any
13 given fiscal year. Unless an appropriation for administrative costs
14 is made in the annual Budget Act that exceeds the following limits,
15 administrative expenditures shall not exceed 3 percent of the
16 amount appropriated to each fund in the Budget Act of 1997.

17 (h) (1) The department shall adopt regulations to efficiently
18 and effectively implement the microenterprise loan program
19 described in this subdivision, including, but not limited to, the
20 following:

21 (A) Making loans available from the Child Care and
22 Development Facilities Direct Loan Fund to local microenterprise
23 loan funds and other lenders who may relend the funds in
24 appropriate amounts to eligible small family daycare home
25 providers described in Section 1597.44 of the Health and Safety
26 Code, large family daycare home providers described in Section
27 1597.465 of the Health and Safety Code, and licensed child care
28 and development facilities that serve up to 35 children.

29 (B) Authorizing a specified amount of guarantees of small loans
30 by local microenterprise loan funds and other lenders serving
31 eligible small family daycare home providers described in Section
32 1597.44 of the Health and Safety Code, large family daycare home
33 providers described in Section 1597.465 of the Health and Safety
34 Code, and licensed child care and development facilities that serve
35 up to 35 children.

36 (2) Notwithstanding anything to the contrary in this section or
37 Section 8277.5, a loan made pursuant to this subdivision shall not
38 be made for less than five thousand dollars (\$5,000) or for more
39 than fifty thousand dollars (\$50,000) and shall not be subject to

1 the 75-percent investment restriction contained in paragraph (2)
2 of subdivision (e) of Section 8277.5.

3 (i) The department may adopt regulations for the purposes of
4 this section as emergency regulations in accordance with Chapter
5 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
6 Title 2 of the Government Code. For the purposes of the
7 Administrative Procedure Act, including Section 11349.6 of the
8 Government Code, the adoption of the regulations shall be deemed
9 to be an emergency and necessary for the immediate preservation
10 of the public peace, health and safety, or general welfare,
11 notwithstanding subdivision (e) of Section 11346.1 of the
12 Government Code. Notwithstanding subdivision (e) of Section
13 11346.1, any regulation adopted pursuant to this section shall not
14 remain in effect *for* more than 180 days unless the department
15 complies with all provisions of Chapter 3.5 (commencing with
16 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
17 Code, as required by subdivision (e) of Section 11346.1 of the
18 Government Code.

19 SEC. 2. Section 8279.3 of the Education Code is amended to
20 read:

21 8279.3. (a) The department shall disburse augmentations to
22 the base allocation for the expansion of child care and development
23 programs to promote equal access to child development services
24 across the state.

25 (b) The Superintendent shall use the formula developed pursuant
26 to subdivision (c) and the priorities identified by strategic planning
27 councils, unless those priorities do not meet the requirements of
28 state or federal law, as a guide in disbursing augmentations
29 pursuant to subdivision (a).

30 (c) The Superintendent shall develop a formula for prioritizing
31 the disbursement of augmentations pursuant to this section. The
32 formula shall give priority to allocating funds to underserved areas.
33 The Superintendent shall develop the formula by using the
34 definition of “underserved area” in subdivision (ag) of Section
35 8208 and direct impact indicators of need for child care and
36 development services in the county or subcounty areas. For
37 purposes of this section, “subcounty areas” include, but are not
38 limited to, school districts, census tracts, or ZIP Code areas that
39 are deemed by the Superintendent to be most appropriate to the
40 type of program receiving an augmentation. Direct impact

1 indicators of need may include, but are not limited to, the teenage
 2 pregnancy rate, the unemployment rate, area household income,
 3 or the number or percentage of families receiving public assistance,
 4 eligible for Medi-Cal, or eligible for free or reduced-price school
 5 meals, and any unique characteristics of the population served by
 6 the type of program receiving an augmentation.

7 (d) To promote equal access to services, the Superintendent
 8 shall include in guidelines developed for use by strategic planning
 9 councils pursuant to paragraph (3) of subdivision (c) of Section
 10 8499.5 guidance on identifying underserved areas and populations
 11 within counties. This guidance shall include reference to the direct
 12 impact indicators of need described in subdivision (c).

13 SEC. 3. Section 8286 of the Education Code is amended to
 14 read:

15 8286. (a) The Governor shall appoint an advisory committee
 16 composed of one representative from the state board, one
 17 representative of private education, one representative of child
 18 welfare, one representative of private health care, two
 19 representatives of proprietary child care agencies, one
 20 representative of a community action agency qualified under Title
 21 II of the federal Economic Opportunity Act of 1964, two
 22 representatives of family daycare homes, one representative of a
 23 child care provider exempt from licensure, five parents of children
 24 participating in child care programs of whom at least three shall
 25 be parents of children participating in publicly subsidized child
 26 development programs, and one shall be a parent of a child
 27 receiving care from a child care provider exempt from licensure,
 28 appointed from names selected by a democratic process to ensure
 29 representation of the parents of children being served, four persons
 30 representing professional or civic groups or public or nonprofit
 31 private agencies, organizations or groups concerned with child
 32 development, one person who administers a public school child
 33 care program, one person who administers a county office of
 34 education schoolage child care program, and one teacher currently
 35 serving in a public school children’s center.

36 (b) The advisory committee also shall include one representative
 37 from the department appointed by the Superintendent, and one
 38 representative each from the Employment Development
 39 Department, the State Department of Social Services, the State
 40 Department of Health Care Services, and the State Department of

1 Developmental Services, appointed by the respective director of
2 each department.

3 (c) The advisory committee shall assist the department in
4 developing a state plan for child development programs pursuant
5 to this chapter.

6 (d) The advisory committee shall provide ongoing coordination
7 and communication to strategic planning councils to facilitate
8 activities and provide technical assistance as needed.

9 (e) The advisory committee shall continually evaluate the
10 effectiveness of those programs and shall report thereon at each
11 regular session of the Legislature.

12 (f) The advisory committee shall assist in and coordinate the
13 drafting of guidelines for strategic planning councils pursuant to
14 Chapter 2.3 (commencing with Section ~~8499~~) of Part 6. 8499).
15 The advisory committee shall request state and local agencies to
16 submit suggested guidelines. The final guidelines shall be drafted
17 and adopted by the committee, in consultation with local child
18 care agencies, strategic planning councils, the department, and the
19 State Department of Social Services. The guidelines shall include,
20 but not be limited to, provisions for assessing child care supply,
21 demand, cost, and facility needs, in terms of age, family income
22 level, special needs, and multilingual and multicultural
23 backgrounds. Guidelines developed for programs administered by
24 the department shall be concurred in by the department.

25 SEC. 4. Section 8332.3 of the Education Code is amended to
26 read:

27 8332.3. (a) (1) The plan shall be submitted to the strategic
28 planning council, as defined in Section 8499, for approval. Upon
29 approval of the plan by the strategic planning council, the board
30 of supervisors of the county shall hold at least one public hearing
31 on the plan. Following the hearing, if the board votes in favor of
32 the plan, the plan shall be submitted to the department for review.

33 (2) Initial proposed rate changes not included in the plan shall
34 be approved by the board of supervisors of the county before final
35 approval of the plan by the department.

36 (b) Within 30 days of receiving the plan, the department shall
37 review and either approve or disapprove the plan. If the plan
38 includes stage one child care services, the plan shall also be
39 submitted to the State Department of Social Services for review
40 only.

1 (c) Plan modifications, including subsequent rate changes, shall
2 be submitted to the strategic planning council, as defined in Section
3 8499, for approval before final approval of the plan by the
4 department.

5 (d) Within 30 days of receiving a modification of the plan, the
6 department shall review and either approve or disapprove that
7 modification of the plan.

8 (e) The department may disapprove only those portions of a
9 plan, or any modification of the plan, that are not in conformance
10 with this article or that are in conflict with federal law.

11 SEC. 5. Section 8335.3 of the Education Code is amended to
12 read:

13 8335.3. (a) The plan shall be submitted to the strategic
14 planning council, as defined in Section 8499, for approval. Upon
15 approval of the plan by the strategic planning council, the Board
16 of Supervisors of the City and County of San Francisco shall hold
17 at least one public hearing on the plan. Following the hearing, if
18 the board of supervisors votes in favor of the plan, the plan shall
19 be submitted to the department for review.

20 (b) Within 30 days of receiving the plan, the department shall
21 review and either approve or disapprove the plan.

22 (c) Within 30 days of receiving any modification to the plan,
23 the department shall review and either approve or disapprove that
24 modification to the plan.

25 (d) The department may disapprove only those portions of the
26 plan or modifications to the plan that are not in conformance with
27 either this article or Article 15.1 (commencing with Section 8332)
28 or that are in conflict with federal law.

29 SEC. 6. Section 8358 of the Education Code is amended to
30 read:

31 8358. (a) By January 31, 1998, the department and the State
32 Department of Social Services shall design a form for
33 license-exempt child care providers to use for certifying health
34 and safety requirements to the extent required by federal law. Until
35 the form is adopted, the information required pursuant to Section
36 11324 of the Welfare and Institutions Code shall continue to be
37 maintained by the county welfare department or contractor, as
38 appropriate.

39 (b) By January 31, 1998, the department and the State
40 Department of Social Services shall do both of the following:

1 (1) Design a standard process for complaints by parents about
2 the provision of child care that is exempt from licensure.

3 (2) Design, in consultation with strategic planning councils, a
4 single application for all child care programs and all families.

5 (c) (1) County welfare departments and alternative payment
6 programs shall encourage all providers who are licensed or who
7 are exempt from licensure and who are providing care under
8 Section 8351, 8353, or 8354, to secure training and education in
9 basic child development.

10 (2) Child care provider job training provided to CalWORKs
11 recipients that is funded by either the department or the State
12 Department of Social Services shall include information on
13 becoming a licensed child care provider.

14 (d) The department shall increase consumer education and
15 consumer awareness activities so that parents will have the
16 information needed to seek child care of high quality. High quality
17 child care shall include both licensed and license-exempt care.

18 SEC. 7. Section 8359 of the Education Code is amended to
19 read:

20 8359. (a) County welfare departments and alternative payment
21 programs shall provide to the department or the State Department
22 of Social Services, whichever is appropriate, and the strategic
23 planning council, on a monthly basis, data about child care usage
24 and demand in each of the three stages. The department and the
25 State Department of Social Services shall forward this data
26 quarterly to the Department of Finance and the Joint Legislative
27 Budget Committee for fiscal planning.

28 (b) By January 10 of each year, the Department of Finance shall
29 present to the respective legislative budget committees an estimate
30 of the cost of funding the expected demand for child care as
31 described in subdivision (a) of Section 8351 and Sections 8353
32 and 8354.

33 SEC. 8. Section 8499 of the Education Code is amended to
34 read:

35 8499. For purposes of this chapter, the following definitions
36 shall apply:

37 (a) "Child care" means all licensed child care and development
38 services, early childhood education services, and license-exempt
39 child care, including, but not limited to, private for-profit programs,
40 nonprofit programs, and publicly funded programs, for all children

1 up to and including 12 years of age, including children with
2 exceptional needs and children from all linguistic and cultural
3 backgrounds.

4 (b) “Child care provider” means a person who provides child
5 care services or represents persons who provide child care services.

6 (c) “Consumer” means a person who receives, or who has
7 received within the past 36 months, child care services.

8 (d) “Strategic planning council” means a strategic local child
9 care and development planning council, as described in Section
10 8499.3.

11 SEC. 9. Section 8499.3 of the Education Code is amended to
12 read:

13 8499.3. (a) It is the intent of the Legislature that strategic local
14 child care and development planning councils shall provide a forum
15 to identify local priorities for child care and to develop policies to
16 meet the needs identified within those priorities, and shall seek to
17 create a local system of support for child care.

18 (b) (1) The strategic planning council shall be comprised as
19 follows:

20 (A) One representative from a resource and referral agency ~~or~~
21 ~~an alternative payment provider~~ in the county. This representative
22 shall be appointed by a majority vote of all resource and referral
23 agencies ~~and alternative payment providers~~ in the county.

24 *(B) One representative from an alternative payment provider*
25 *in the county. This representative shall be appointed by a majority*
26 *vote of all alternative payment providers in the county.*

27 ~~(B)~~

28 (C) One representative from the local First 5 county commission.

29 ~~(C)~~

30 (D) One representative from the county office of education.

31 ~~(D)~~

32 (E) One representative from a school district that provides
33 transitional kindergarten within the county.

34 ~~(E)~~

35 (F) One representative from the board of supervisors.

36 ~~(F)~~

37 (G) One representative from the county human services
38 department.

39 ~~(G)~~

1 (H) One representative from the parent advisory committee
2 established pursuant to paragraph (5). This representative shall be
3 appointed by a majority vote of the members of the parent advisory
4 committee.

5 ~~(H)~~

6 (I) One representative from the provider advisory committee
7 established pursuant to paragraph (6). This representative shall be
8 appointed by a majority vote of the members of the provider
9 advisory committee.

10 ~~(I)~~

11 (J) One representative of a local postsecondary educational
12 institution that receives state or federal funds and offers a degree,
13 training, or professional development courses in child care, child
14 development, or preschool.

15 ~~(J)~~

16 (K) Other local government agencies, such as health, human
17 services, social services, regional centers, school districts, and
18 special education local plan areas, that provide services to children
19 from birth to 12 years of age, inclusive.

20 ~~(K)~~

21 (L) Other representatives, at the discretion of the strategic
22 planning council.

23 (2) Notwithstanding any other law, one individual may represent
24 more than one of the categories identified in subparagraphs (A) to
25 ~~(H)~~, (I), inclusive, of paragraph (1).

26 (3) The members of the strategic planning council shall serve
27 a term of three years.

28 (4) (A) The representative identified in subparagraph~~(I)~~ (J) of
29 paragraph (1) shall be nominated by a majority vote of the other
30 members of the strategic planning council and shall be appointed
31 by the county board of supervisors or the county superintendent
32 of schools.

33 (B) The county board of supervisors and the county
34 superintendent of schools may each appoint one-half of the
35 members nominated pursuant to subparagraphs~~(J)~~ and (K) and
36 (L) of paragraph (1) of subdivision (b). If there is an uneven number
37 of appointees, the county board of supervisors and the county
38 superintendent of schools shall agree on the odd-numbered
39 appointee.

- 1 (5) The parent advisory committee shall be made up of
 2 consumers and may include, but is not limited to, the following
 3 members:
- 4 (A) One consumer who receives services from a family child
 5 care home provider or a family, friend, and neighbor provider.
- 6 (B) One consumer who receives services from a child care center
 7 provider.
- 8 (C) One consumer who receives services from a transitional
 9 kindergarten provider.
- 10 (D) One consumer who represents a tribal organization who
 11 receives services from a child care provider.
- 12 (E) One consumer who is a parent of a child with exceptional
 13 needs, as defined in Section 8208, who receives services from a
 14 child care provider.
- 15 (F) One consumer who receives services from an after school
 16 program.
- 17 (6) The provider advisory committee may include, but is not
 18 limited to, the following members:
- 19 (A) One family child care home provider or a family, friend, or
 20 neighbor provider.
- 21 (B) One child care provider licensed pursuant to Title 5 of the
 22 California Code of Regulations.
- 23 (C) One child care provider licensed pursuant to Title 22 of the
 24 California Code of Regulations.
- 25 (D) One Head Start provider.
- 26 (E) One representative from a labor union that represents child
 27 care providers in the county.
- 28 (F) One representative from a child care provider experienced
 29 in providing services to children with exceptional needs, as defined
 30 in Section 8208, in a full inclusion environment.
- 31 (c) Every effort shall be made to ensure that the ethnic, racial,
 32 and geographic composition of the strategic planning council is
 33 reflective of the ethnic, racial, and geographic distribution of the
 34 population of the county.
- 35 (d) The board of supervisors and county superintendent of
 36 schools may designate an existing child care planning council or
 37 coordinated child and family services council as the strategic
 38 planning council, as long as it has or can achieve the representation
 39 set forth in this section.

1 (e) Upon establishment of a strategic planning council, the
2 strategic planning council shall elect a chair and select a staff.

3 (f) Each strategic planning council shall develop and implement
4 a training plan to provide increased efficiency, productivity, and
5 facilitation of strategic planning council meetings. This may
6 include developing a training manual, hiring facilitators, and
7 identifying strategies to meet the objectives of the council.

8 (g) A member of a strategic planning council shall not participate
9 in a vote if the member has a proprietary interest in the outcome
10 of the matter being voted upon.

11 (h) Notwithstanding any other law, the county board of
12 supervisors and the county superintendent of schools may mutually
13 agree to merge the strategic planning council and the Quality
14 Rating and Improvement System local consortia, as defined in
15 Section 8203.1, as long as it can achieve the representation set
16 forth in this section.

17 (i) (1) Notwithstanding any other law, the county boards of
18 supervisors and the county superintendents of schools in two or
19 more contiguous counties may mutually agree to merge their
20 strategic planning councils, as long as it can achieve the
21 representation set forth in this section.

22 (2) If two or more counties choose to exercise the option to
23 merge their strategic planning councils pursuant to paragraph (1),
24 the strategic planning council shall make every effort to ensure
25 that meetings and stakeholder forums are accessible to consumers
26 and providers in all of the counties that the strategic planning
27 council represents. This may be achieved by alternating the location
28 of meetings between the counties, hosting meetings at a central
29 point between the counties, or live broadcasting strategic planning
30 council meetings at multiple locations within the counties.

31 SEC. 10. Section 8499.5 of the Education Code is amended to
32 read:

33 8499.5. (a) The department shall allocate child care funding
34 pursuant to Chapter 2 (commencing with Section 8200) based on
35 the amount of state and federal funding that is available.

36 (b) By May 30 of each year, upon approval by the county board
37 of supervisors and the county superintendent of schools, a strategic
38 planning council shall submit to the department its local priorities,
39 identified by ZIP Code and prioritized by the strategic planning
40 council according to greatest child care needs in the county. To

1 accomplish this, a strategic planning council shall do both of the
2 following:

3 (1) Encourage public input in the development of the strategic
4 planning council’s local priorities. Opportunities for public input
5 shall include at least one public hearing during which members of
6 the public can comment on the proposed priorities.

7 (2) Collaborate with subsidized and nonsubsidized child care
8 providers, county welfare departments, human service agencies,
9 regional centers, job training programs, employers, integrated child
10 and family service councils, local and state children and families
11 commissions, parent organizations, early start family resource
12 centers, family empowerment centers on disability, local child care
13 resource and referral programs, and other interested parties to
14 foster partnerships designed to meet local child care needs.

15 (c) (1) A strategic planning council shall conduct an assessment
16 of child care needs in the county no less frequently than once every
17 five years. The department shall define and prescribe data elements
18 to be included in the needs assessment and shall specify the format
19 for the data reporting. Beginning in 2021, the strategic planning
20 council shall use the needs assessment template developed by the
21 department in collaboration with the strategic planning councils.
22 The needs assessment shall be submitted to the department by May
23 30 of each year in which it is due.

24 (2) The State Department of Social Services, the State
25 Department of Public Health, local departments of social services
26 and welfare, local regional centers, special education local plan
27 areas, and local resource and referral agencies shall provide to the
28 department the information necessary for strategic planning
29 councils to complete the needs assessment. The department shall
30 share data and information necessary to complete the needs
31 assessment, notwithstanding any other law, with strategic planning
32 councils and counties implementing individualized county child
33 care subsidy plans pursuant to Article 15.1 (commencing with
34 Section 8332) of Chapter 2.

35 (3) The department shall, in conjunction with the State
36 Department of Social Services and all appropriate statewide
37 agencies and associations, develop guidelines for use by strategic
38 planning councils to assist them in conducting needs assessments
39 that are reliable and accurate. The guidelines shall include

1 acceptable sources of demographic and childcare data, and
2 methodologies for assessing childcare supply and demand.

3 (4) Except as otherwise required by subdivision (c) of Section
4 8236, the department shall allocate funding within each county in
5 accordance with the priorities identified by the strategic planning
6 council of that county and submitted to the department pursuant
7 to this section, unless the priorities do not meet the requirements
8 of state or federal law.

9 SEC. 11. Section 8499.6 is added to the Education Code, to
10 read:

11 8499.6. (a) (1) On or before March 30, 2021, and every three
12 years thereafter, a strategic planning council shall develop and
13 submit to the county board of supervisors and the county board of
14 education a strategic plan and investment priorities using the
15 template that shall be adopted by the department in collaboration
16 with the strategic planning councils and First 5 California. Before
17 the strategic plan and investment priorities can be submitted for
18 approval, the strategic planning council shall do all of the
19 following:

20 (A) Post the most recent needs assessment developed pursuant
21 to subdivision (c) of Section 8499.5 on the strategic planning
22 council's internet website and share the needs assessment with all
23 school districts in the county no later than January 1 of each year
24 in which a strategic plan and investment priorities will be
25 submitted.

26 (B) Seek input from the parent advisory committee and the
27 provider advisory committee established pursuant to Section
28 8499.3.

29 (C) Identify existing publicly owned facilities that could house
30 a child care program. The strategic planning council shall
31 periodically survey school districts, county offices of education,
32 and city and county governments to identify sites that could house
33 a child care program and the modifications that each site would
34 need to meet child care health and safety requirements.

35 (D) Encourage public input in the development of the strategic
36 plan and investment priorities. Opportunities for public input shall
37 include at least one public hearing during which members of the
38 public can comment on the proposed strategic plan and investment
39 priorities before submission to the county board of supervisors
40 and the county board of education.

1 (2) The strategic plan shall address facility needs, workforce
2 needs, family access, and quality and transition planning. The
3 investment priorities shall identify priorities for the county board
4 of supervisors, the county board of education, and the Legislature.

5 (3) The county board of supervisors and the county board of
6 education shall hold public hearings on the proposed strategic plan
7 and investment priorities at a regularly scheduled meeting. The
8 hearings must be held before adoption of the strategic plan and
9 investment priorities and may be no sooner than three days after
10 the proposed strategic plan and investment priorities are posted
11 on the strategic planning council's internet website. The county
12 board of supervisors and the county board of education shall each
13 approve the strategic plan and investment priorities no later than
14 July 1 of each year in which a strategic plan and investment
15 priorities are submitted.

16 (4) A strategic plan and investment priorities shall be effective
17 for a period of three years and shall be updated each intervening
18 year by March 30.

19 (b) At least twice each year, a strategic planning council shall
20 convene a forum for stakeholders to provide input to and receive
21 updates from the Quality Rating and Improvement System local
22 consortium, as defined in Section 8203.1.

23 (c) A strategic planning council shall work with the county
24 office of education, special education local plan areas, and the
25 school districts and regional centers in the county to facilitate the
26 transition of children with exceptional needs into the K-12 system.

27 (d) The operation of this section is contingent upon an
28 appropriation in the annual Budget Act for purposes of this section.

29 SEC. 12. Section 8499.7 of the Education Code is amended to
30 read:

31 8499.7. It is the intent of the Legislature that any additional
32 conditions imposed upon strategic planning councils shall be
33 funded from available federal funds to the greatest extent legally
34 possible.

35 SEC. 13. If the Commission on State Mandates determines
36 that this act contains costs mandated by the state, reimbursement
37 to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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