

This language is from AB 77 amended on June 23, 2020

1 (5) For purposes of allocations made pursuant to Section 96.1  
2 for the 1994–95 fiscal year, the amounts allocated from the  
3 Educational Revenue Augmentation Fund pursuant to this  
4 subdivision, other than those amounts deposited in the Educational  
5 Revenue Augmentation Fund pursuant to any provision of the  
6 Health and Safety Code, shall be deemed property tax revenue  
7 allocated to the Educational Revenue Augmentation Fund in the  
8 prior fiscal year.

9 SEC. 86. Part 1.7 (commencing with Section 10200) is added  
10 to Division 9 of the Welfare and Institutions Code, to read:

11  
12 PART 1.7. THE EARLY CHILDHOOD DEVELOPMENT ACT  
13 OF 2020

14  
15 CHAPTER 1. TRANSFER OF CHILDCARE PROGRAMS TO THE STATE  
16 DEPARTMENT OF SOCIAL SERVICES

17  
18 10200. This part shall be known, and may be cited, as the Early  
19 Childhood Development Act of 2020.

20 10201. This chapter shall become operative July 1, 2021.

21 10202. Legislature finds and declares both of the following:

22 (a) The state’s system of early learning and care must become  
23 more integrated and coordinated to achieve its goals of promoting  
24 a high-quality, affordable, early childhood system designed to  
25 comprehensively and effectively serve children and families.

26 (b) Social determinants of health, adverse childhood experiences,  
27 quality learning and care for children, and economic and other  
28 supports for the needs of families are critical determinants of life  
29 outcomes for children, and California’s system of early learning  
30 and care must address inequities and disproportionalities.

31 10203. (a) It is the intent of the Legislature to launch a phased  
32 approach to achieving the goals of the state’s Master Plan for Early  
33 Learning and Care, uniting childcare programs where they can  
34 best be integrated with other child and family focused benefits,  
35 programs, and services, and support childcare providers and  
36 programs while maintaining vital connections to preschool,  
37 transitional kindergarten, and K-12 education.

38 (b) To effectuate this transition, effective July 1, 2021,  
39 responsibility for the following programs, responsibilities, services,  
40 and systems are hereby transferred from the State Department of

This language lays out the transfer from CDE to DSS childcare programs by July 1, 2021

- 1 Education and the Superintendent of Public Instruction to the State
- 2 Department of Social Services:
- 3 (1) Alternative payment programs pursuant to Article 3
- 4 (commencing with Section 8220) of Chapter 2 of Part 6 of Division
- 5 1 of Title 1 of the Education Code.
- 6 (2) Migrant alternative payment programs pursuant to Article
- 7 3 (commencing with Section 8220) of Chapter 2 of Part 6 of
- 8 Division 1 of Title 1 of the Education Code.
- 9 (3) CalWORKs Stage 2 childcare pursuant to Article 15.5
- 10 (commencing with Section 8350) of Chapter 2 of Part 6 of Division
- 11 1 of Title 1 of the Education Code.
- 12 (4) CalWORKs Stage 3 childcare pursuant to Article 15.5
- 13 (commencing with Section 8350) of Chapter 2 of Part 6 of Division
- 14 1 of Title 1 of the Education Code.
- 15 (5) General childcare and development programs pursuant to
- 16 Article 8 (commencing with Section 8240) of Chapter 2 of Part 6
- 17 of Division 1 of Title 1 of the Education Code.
- 18 (6) Migrant childcare and development programs pursuant to
- 19 Article 6 (commencing with Section 8230) of Chapter 2 of Part 6
- 20 of Division 1 of Title 1 of the Education Code.
- 21 (7) Childcare and development services for children with severe
- 22 disabilities pursuant to Article 9 (commencing with Section 8250)
- 23 of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education
- 24 Code.
- 25 (8) The Child and Adult Care Food Program implemented
- 26 pursuant to Section 1766 of Title 42 of the United States Code.
- 27 (9) Childcare and development facilities capital outlay pursuant
- 28 to Article 24 (commencing with Section 8493) of Chapter 2 of
- 29 Part 6 of Division 1 of Title 1 of the Education Code.
- 30 (10) Responsibility as the lead agency for administration of the
- 31 Child Care and Development Fund, as defined in Section 98.2 of
- 32 Title 45 of the Code of Federal Regulations, and as set forth in
- 33 Sections 8206 to 8206.6, inclusive, of the Education Code.
- 34 (11) Responsibility as the lead agency for the Child Care and
- 35 Development Fund State Plan Early Learning and Care
- 36 Infrastructure Grant Program pursuant to Section 8280 of the
- 37 Education Code.
- 38 (12) The Early Learning and Care Workforce Development
- 39 Grants Program pursuant to Section 8280.1 of the Education Code.

Here are the programs that will be transferred to DSS

Transfers to DSS as lead agency for distribution of CCDF funds and for developing the State Plan

1 (13) The California Head Start State Collaboration Office funded  
2 by collaboration grants awarded pursuant to Section 9837b of Title  
3 42 of the United States Code.

4 (14) The Early Head Start-Child Care Partnerships Grant from  
5 the United States Department of Health and Human Services.

6 (15) Resource and referral agencies pursuant to Article 2  
7 (commencing with Section 8210) of Chapter 2 of Part 6 of Division  
8 1 of Title 1 of the Education Code.

9 (16) Local childcare and development planning councils  
10 pursuant to Chapter 2.3 (commencing with Section 8499) of Part  
11 6 of Division 1 of Title 1 of the Education Code.

12 (17) The California Child Care Initiative Project pursuant to  
13 Section 8215 of the Education Code.

14 (18) Other childcare quality improvement projects.

15 (19) Any memoranda of understanding and partnerships related  
16 to the programs, services, and systems listed in this subdivision.

17 (20) The Child Development Management Information System  
18 and other related data systems as they pertain to the programs,  
19 services, and systems listed in this subdivision.

20 10204. (a) For purposes of this part, “department” means the  
21 State Department of Social Services.

22 (b) Commencing July 1, 2021, whenever the laws governing  
23 the programs, responsibilities, services, or systems listed in  
24 subdivision (b) of Section 10203 refer to the “State Department  
25 of Education,” “department,” “Superintendent of Public  
26 Instruction,” or “Superintendent,” the reference shall be construed  
27 to be to the State Department of Social Services.

28 10205. (a) Commencing July 1, 2021, the department succeeds  
29 to, and is vested with, all the powers, functions, duties,  
30 responsibilities, obligations, liabilities, and jurisdiction of the  
31 programs, responsibilities, services, and systems listed in  
32 subdivision (b) of Section 10203.

33 (b) The department may enter into memoranda of understanding  
34 or interagency agreements or contracts with the California Health  
35 and Human Services Agency, its other departments and offices,  
36 the State Department of Education, and any other state agency,  
37 department, or office, as necessary to implement this part.

38 (c) Unless the context clearly requires otherwise, any reference  
39 to the State Department of Education or the Superintendent of  
40 Public Instruction in any regulation, contract, or in any other code,

1 with respect to any of the programs, responsibilities, services, or  
2 systems listed in subdivision (b) of Section 10203, is a reference  
3 to the State Department of Social Services.

4 (d) Without limiting any other powers or duties, the department  
5 shall ensure compliance with the terms of any state plans,  
6 memoranda of understanding, administrative orders, interagency  
7 agreements, contracts, assurances, single state agency obligations,  
8 federal statutes and regulations, and any other form of agreement  
9 or obligation that vital government activities rely upon or are a  
10 condition to the continued receipt by the department of state or  
11 federal funds or services.

12 (e) All existing regulations relating to programs, responsibilities,  
13 services, and systems listed in subdivision (b) of Section 10203  
14 that have been adopted by the State Department of Education on  
15 or before June 30, 2021, are expressly continued in force, unless  
16 they conflict with the act that added this part. Any statute, law,  
17 rule, or regulation relating to the programs, responsibilities,  
18 services, and systems listed in subdivision (b) of Section 10203  
19 that are in force on June 30, 2020, or that may hereafter be enacted  
20 or adopted with reference to this part, shall apply to the department.

21 (f) A contract, lease, license, state or federal grant, memorandum  
22 of understanding, or any other agreement relating to the programs,  
23 responsibilities, services, and systems listed in subdivision (b) of  
24 Section 10203 to which the State Department of Education is a  
25 party is not void or voidable by reason of the act that added this  
26 part, but are continued in full force and effect, with the department  
27 assuming all of the rights, obligations, and duties of the State  
28 Department of Education. The assumption by the department does  
29 not in any way affect the rights of the parties to the contract, lease,  
30 license, state or federal grant, memorandum of understanding, or  
31 agreement.

32 (g) Any legal action concerning the duties, responsibilities,  
33 obligations, liabilities, and functions described in this chapter shall  
34 not abate, and shall continue in the name of the department. The  
35 substitution of the department for the State Department of  
36 Education or the Superintendent of Public Instruction does not  
37 affect the rights of the parties to the action.

38 (h) All financial and accounting records, documents, records,  
39 and property relating to programs, responsibilities, services, and  
40 systems listed in subdivision (b) of Section 10203 shall be

1 transferred to the department by the State Department of Education.  
2 The format and timing of this transfer shall be mutually agreed  
3 upon by the State Department of Social Services and the State  
4 Department of Education and the Superintendent of Public  
5 Instruction, and shall not require formal agreement or approval by  
6 any other entity.

7 (i) On or before July 1, 2021, the Governor shall establish the  
8 position of Deputy Director of Child Development within the  
9 department, as an exempt position, to be appointed by the  
10 Governor, subject to confirmation by the Senate, and who holds  
11 office at the pleasure of the Governor.

12 (j) On or before March 31, 2021, the department shall submit  
13 to the appropriate budget and policy committees of the Legislature,  
14 the Department of Finance, and the Early Childhood Policy  
15 Council, a plan that describes how the department will achieve the  
16 intent expressed in Section 10203, including a description of  
17 activities undertaken by the department up until that date, and  
18 specifying all of the following:

19 (1) How the department intends to make childcare programs  
20 more integrated.

21 (2) How the department plans to maintain existing connections  
22 or enhance connections to California state preschool programs,  
23 transitional kindergarten, and elementary and secondary education.

24 (3) An estimate of the ongoing cost of the State Department of  
25 Social Services for administering childcare programs. A description  
26 of the number of positions that will move to the State Department  
27 of Social Services from the State Department of Education and  
28 the number of additional positions the State Department of Social  
29 Services will need.

30 (4) How this shift results in better services for children and  
31 families, including how this shift will ensure families have the  
32 most comprehensive information about their choices in  
33 comprehensive supports for their families, including childcare.

34 (5) How the department plans to prevent administrative  
35 duplication and regulatory conflict for providers that have contracts  
36 for both general childcare and development programs and  
37 California state preschool programs.

38 (6) How the department plans to maintain the existing provider  
39 flexibility to transfer funds across contracts for both general

1 childcare and development programs and California state preschool  
2 programs.

3 (7) How the department plans to ensure quality projects support  
4 state-supported childcare in all settings, including California state  
5 preschool programs.

6 (8) How the California Head Start State Collaboration Office  
7 will continue to engage with California state preschool program  
8 providers and school districts.

9 (9) How parents will be provided enhanced information about  
10 making an informed childcare choice that best meets their child's  
11 and family's needs, from the full spectrum of quality childcare  
12 available.

13 (10) How a cradle-to-career, interagency data system will  
14 provide improved state-level reporting, support the goals of the  
15 Master Plan for Early Learning and Care, and support the  
16 achievement of paragraph (9).

17 (11) Further plans to align activities with recommendations  
18 from the Master Plan for Early Learning and Care regarding  
19 childcare.

20 (k) From October 1, 2020, to December 31, 2024, inclusive, the  
21 department shall submit to the appropriate budget and policy  
22 committees of the Legislature, the Department of Finance, and the  
23 Early Childhood Policy Council a quarterly report that describes  
24 how the department is making progress on the transition required  
25 by this chapter, and how the department is furthering the intent of  
26 this transition.

27 10206. (a) Notwithstanding the rulemaking provisions of the  
28 Administrative Procedure Act (Chapter 3.5 (commencing with  
29 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
30 Code), the State Department of Social Services and the State  
31 Department of Education may implement, interpret, or make  
32 specific this part by means of all-county letters, bulletins, or similar  
33 written instructions from either department until regulations are  
34 adopted. These all-county letters or similar written instructions  
35 shall have the same force and effect as regulations.

36 (b) Initial regulations developed pursuant to the Administrative  
37 Procedure Act (Chapter 3.5 (commencing with Section 11340) of  
38 Part 1 of Division 3 of Title 2 of the Government Code) that are  
39 necessary to implement the act that added this part shall be adopted  
40 by each department no later than December 31, 2023.

1 received from the Coronavirus Relief Fund to the Superintendent.  
2 Funds that are not expended by December 30, 2020, shall be  
3 reported to the Superintendent within 30 days, and the  
4 Superintendent shall initiate collection proceedings.

5 (2) As a condition of receipt of the funds pursuant to this section,  
6 an eligible local educational agency shall report, on or before  
7 August 31, 2021, the balance of any unexpended funds received  
8 from the Federal Trust Fund to the Superintendent. Funds that are  
9 not expended by September 30, 2021, shall be reported to the  
10 Superintendent within 30 days, and the Superintendent shall initiate  
11 collection proceedings.

12 (i) (1) For purposes of subdivisions (a) and (b), “eligible local  
13 educational agency” means a school district, county office of  
14 education, or a classroom-based direct-funded charter school as  
15 determined pursuant to Sections 47612.5 and 47634.2 of the  
16 Education Code as of the 2019–20 second principal apportionment  
17 certification.

18 (2) For purposes of subdivision (c), “eligible local educational  
19 agency” means a school district, county office of education, or a  
20 charter school.

21 (j) (1) For purposes of the calculations pursuant to subdivisions  
22 (a) and (b), data for a classroom-based locally funded charter school  
23 shall be included in the determination of the chartering authority’s  
24 funding.

25 (2) For purposes of the calculations pursuant to subdivision (c),  
26 data for a locally funded charter school shall be included in the  
27 determination of the chartering authority’s funding.

28 **SEC. 111. (a) The Legislature finds and declares all of the**  
29 **following:**

30 (1) The federal Coronavirus Aid, Relief, and Economic Security  
31 (CARES) Act Child Care and Development Block Grant  
32 supplemental payment awarded three hundred fifty million three  
33 hundred fourteen thousand dollars (\$350,314,000) to California  
34 to address the impact of the COVID-19 pandemic on childcare  
35 providers and the families they serve. These funds were awarded  
36 to prevent, prepare for, and respond to the COVID-19 pandemic  
37 emergency, to provide assistance to childcare providers in the case  
38 of decreased enrollment or closures, and to provide childcare  
39 assistance to essential workers during the response to the  
40 COVID-19 pandemic.

1 (2) In response to the COVID-19 pandemic, the state  
 2 appropriated the sum of one hundred fifty-two million three  
 3 hundred fourteen thousand dollars (\$152,314,000) from the General  
 4 Fund to childcare providers for COVID-19 pandemic-related  
 5 assistance between March 4, 2020, and August 28, 2020, inclusive,  
 6 as follows:

Note date of assistance from  
 March 4, 2020 - August 28, 2020

7 (A) Fifty million dollars (\$50,000,000) was allocated to  
 8 non-local educational agency childcare providers, which remained  
 9 open or intend to reopen during the COVID-19 pandemic  
 10 emergency, for health, safety, and cleaning supplies related to  
 11 federal, state, and local COVID-19 pandemic emergency public  
 12 health and safety guidance, pursuant to Senate Bill 89 (Chapter 2  
 13 of the Statutes of 2020).

Apportionment for cleaning  
 supplies

14 (B) Fifty million dollars (\$50,000,000) was allocated to existing  
 15 state-subsidized childcare providers to support additional access  
 16 to early learning and care for essential workers, at-risk children,  
 17 and children with disabilities or special health care needs whose  
 18 individualized education programs or individualized family service  
 19 plans include early learning and care services, pursuant to Senate  
 20 Bill 89 (Chapter 2 of the Statutes of 2020), for a minimum of 60  
 21 days of care for each eligible worker and at-risk child.

MB 20-06 & 20-06(a)

22 (C) Forty-one million three hundred fourteen thousand dollars  
 23 (\$41,314,000) was allocated for the estimated cost of provider  
 24 closures, waived family fees, and other assistance, consistent with  
 25 Executive Order No. N-66-20.

MB 20-04 & 20-04(a)

26 (D) Three million three hundred thousand dollars (\$3,300,000)  
 27 was allocated to CalWORKs Stage 1 childcare for the estimated  
 28 cost of waived family fees, consistent with Executive Order No.  
 29 N-66-20.

Stage 1 Family Fee Waiver

30 (E) Six million dollars (\$6,000,000) was allocated for the  
 31 estimated costs of extending the family fee waivers through June  
 32 30, 2020, consistent with Executive Order No. N-66-20.

Family fee waivers through 6/30

33 (F) Two million dollars (\$2,000,000) was allocated to  
 34 CalWORKs Stage 1 childcare for the estimated costs of extending  
 35 the family fee waivers through June 30, 2020, consistent with  
 36 Executive Order No. N-66-20.

Extends S1 family fee waiver to  
 6/30/2020

37 (b) It is therefore the intent of the Legislature, consistent with  
 38 the federal Coronavirus Aid, Relief, and Economic Security  
 39 (CARES) Act Child Care and Development Block Grant  
 40 supplemental payment requirements, which allow states to restore



1 amounts either directly or through reimbursement for obligations  
 2 incurred to prevent, prepare for, and respond to the COVID-19  
 3 pandemic before enactment of the CARES Act, to allocate one  
 4 hundred fifty-two million three hundred fourteen thousand dollars  
 5 (\$152,314,000) of the CARES Act Child Care and Development  
 6 Block Grant supplemental payment to fund reimbursement of the  
 7 General Fund for the costs described in paragraph (2) of  
 8 subdivision (a).

9 (c) On July 1, 2020, the Controller shall transfer the sum of one  
 10 hundred fifty-two million three hundred fourteen thousand dollars  
 11 (\$152,314,000) from the Federal Trust Fund, consistent with the  
 12 federal Coronavirus Aid, Relief, and Economic Security (CARES)  
 13 Act Child Care and Development Block Grant supplemental  
 14 payment requirements, to the General Fund to offset the state costs  
 15 incurred in the 2019–20 fiscal year described in subdivision (b).

16 (d) For the 2020–21 fiscal year, the sum of one hundred  
 17 ninety-eight million dollars (\$198,000,000) is hereby appropriated  
 18 from the Federal Trust Fund, consistent with the federal  
 19 Coronavirus Aid, Relief, and Economic Security (CARES) Act  
 20 Child Care and Development Block Grant supplemental payment  
 21 requirements, to the Superintendent of Public Instruction for  
 22 COVID-19 pandemic-related relief and assistance for childcare  
 23 providers, the families those childcare providers serve, and essential  
 24 workers, as follows:

25 (1) Of the funds appropriated pursuant to this subdivision, one  
 26 hundred twenty-five million dollars (\$125,000,000) shall be  
 27 allocated to state-subsidized childcare providers, including centers,  
 28 family childcare homes, and license-exempt providers, serving  
 29 children through an alternative payment program pursuant to  
 30 Article 3 (commencing with Section 8220) of Chapter 2 of Part 6  
 31 of Division 1 of Title 1 of the Education Code and migrant  
 32 childcare and development programs pursuant to Article 6  
 33 (commencing with Section 8230) of Chapter 2 of Part 6 of Division  
 34 1 of Title 1 of the Education Code, or through a CalWORKs Stage  
 35 1, Stage 2, or Stage 3 program that remained open or intends to  
 36 reopen during the COVID-19 pandemic emergency, for financial  
 37 assistance to address any hardships incurred as a result of various  
 38 economic factors, such as decreased enrollment, increased  
 39 teacher-to-child ratios, and other increased costs, to ensure that  
 40 childcare providers maintain high-quality care, access, and safety

Note language beginning  
 July 1, 2020

Monies allocated for  
 voucher providers to  
 address hardships,  
 decreased enrollment and  
 other.

1 for workers and families in their childcare programs. These funds  
2 shall be allocated as follows:

3 (A) (i) Of the funds allocated for purposes of this paragraph,  
4 sixty-two million five hundred thousand dollars (\$62,500,000)  
5 shall be allocated to support alternative payment programs,  
6 including migrant alternative payment programs, to reimburse  
7 providers described in paragraph (1) through June 30, 2021, or  
8 until this funding is exhausted, whichever is sooner.  
9 Notwithstanding subdivision (d) of Section 8221.5 of the Education  
10 Code, reimbursement for childcare providers, including  
11 license-exempt providers, shall be based on families' certified  
12 need, regardless of attendance.

13 (ii) For families certified for a variable schedule, providers shall  
14 be reimbursed based on the maximum authorized hours of care.

15 (iii) For license-exempt providers that provide part-time services,  
16 providers shall be reimbursed based on the maximum authorized  
17 hours of care.

18 (B) Of the funds allocated for purposes of this paragraph, up to  
19 sixty-two million five hundred thousand dollars (\$62,500,000)  
20 shall be allocated to support alternative payment programs,  
21 including migrant alternative payment programs, to reimburse  
22 providers described in paragraph (1) with a one-time stipend as  
23 follows:

24 (i) The State Department of Education, in consultation with the  
25 State Department of Social Services, shall determine a flat-rate  
26 stipend amount for all childcare providers based on the number of  
27 subsidized children enrolled and the average cost of care.

28 (ii) The Superintendent of Public Instruction shall allocate  
29 stipends to alternative payment programs for distribution to  
30 childcare providers according to a schedule to be provided by the  
31 Superintendent of Public Instruction and approved by the  
32 Department of Finance. The State Department of Education may  
33 designate another agency to distribute these funds to childcare  
34 providers if the alternative payment program in the area is  
35 determined by the State Department of Education to be unable to  
36 allocate the funds.

37 (iii) The administration fee charged by an alternative payment  
38 program distributing the stipends to childcare providers shall not  
39 exceed 5 percent.

Allows funds to be used through June 30, 2021

Here is the language to reimburse providers including licensed-exempt based on families certified need regardless of attendance

Language for distribution of stipends to alternative payment programs for distribution to providers

AP programs can charge 5 percent for administration of the stipends

1 (C) Once the funding from the allocations in subparagraphs (A)  
 2 and (B) necessary for CalWORKs Stage 1 providers, pursuant to  
 3 Section 8351 of the Education Code, has been identified, a budget  
 4 revision shall be submitted by the State Department of Education  
 5 to the Controller to move the appropriate funding amounts  
 6 identified for CalWORKs Stage 1 providers to the State  
 7 Department of Social Services for allocation.

8 (2) Of the funds appropriated pursuant to this subdivision,  
 9 seventy-three million dollars (\$73,000,000) shall be allocated by  
 10 the State Department of Education to existing state-subsidized  
 11 alternative payment programs, including, but not limited to,  
 12 alternative payment programs for migrant childcare and  
 13 development programs pursuant to Article 6 (commencing with  
 14 Section 8230) of Chapter 2 of Part 6 of Division 1 of Title 1 of the  
 15 Education Code, to extend childcare services for essential workers,  
 16 at-risk children, and children with disabilities or special health  
 17 care needs whose individualized education programs or  
 18 individualized family service plans include early learning and care  
 19 services who accessed childcare services pursuant to Senate Bill  
 20 89 (Chapter 2 of the Statutes of 2020) and who were not able to  
 21 get ongoing childcare services through the additional funds  
 22 provided in Schedule (3) and described in Provision (7) of Item  
 23 6100-194-0890 of Section 2.00 of the Budget Act of 2020.

24 (A) The funds allocated pursuant to this paragraph shall be used  
 25 to provide childcare services for 90 days in addition to the days  
 26 specified in Executive Order No. N-66-20.

27 (B) Notwithstanding any other law, if essential workers, at-risk  
 28 children, and children with disabilities or special health care needs  
 29 whose individualized education programs or individualized family  
 30 service plans include early learning and care services who accessed  
 31 childcare services pursuant to Senate Bill 89 (Chapter 2 of the  
 32 Statutes of 2020) were disenrolled, they may be reenrolled pursuant  
 33 to this paragraph before July 15, 2020, without needing to provide  
 34 eligibility documentation.

35 (C) An alternative payment program shall, to the extent possible,  
 36 work directly with a family that receives childcare services funded  
 37 pursuant to this paragraph and the local resource and referral  
 38 agency to assist the family in accessing ongoing subsidized or  
 39 nonsubsidized childcare services that meets the family's needs.

Here is the language for an extension of childcare services for 90 days in addition to the previous 60 days.

Families who were disenrolled can be reenrolled

1 (D) If an alternative payment program projects that it will have  
2 unspent funds after childcare services are provided pursuant to  
3 subparagraph (A), the alternative payment program may extend  
4 childcare services beyond 90 days for the enrolled families, until  
5 funds are exhausted.

6 (E) Of the funds appropriated pursuant to Senate Bill 89  
7 (Chapter 2 of the Statutes of 2020) to extend childcare services  
8 for essential workers, at-risk children, and children with disabilities  
9 or special health care needs whose individualized education  
10 programs or individualized family service plans include early  
11 learning and care services, any funds not encumbered before July  
12 1, 2020, shall be used for purposes of this section.

13 (e) Notwithstanding Section 26.00 of the Budget Act of 2020,  
14 the State Department of Education may transfer program  
15 expenditure authority provided in paragraph (1) of subdivision (d)  
16 between schedules to accurately reflect expenditures in the program  
17 schedules, upon the approval of the Department of Finance. The  
18 Department of Finance may, at its discretion, approve such a  
19 transfer of program expenditure authority to the extent total  
20 allocations do not exceed the total amount appropriated pursuant  
21 to paragraph (1) of subdivision (d). Upon approval from the  
22 Department of Finance, the Superintendent of Public Instruction  
23 shall notify the chairs of the relevant policy committees and budget  
24 subcommittees of the Legislature of its intent to transfer program  
25 expenditure authority between programs.

26 (f) Notwithstanding the priorities for services pursuant to Section  
27 8263 of the Education Code, all children who meet the need and  
28 eligibility requirements of Sections 8263 and 8263.1 of the  
29 Education Code enrolled in childcare pursuant to Executive Order  
30 No. N-45-20, N-47-20, or N-66-20 shall be first priority for  
31 enrollment in alternative payment programs with available capacity,  
32 subject to guidance from the Superintendent of Public Instruction.

33 (g) For purposes of this section, “essential worker” has the same  
34 meaning as “essential critical infrastructure worker” pursuant to  
35 Executive Order No. N-45-20.

36 SEC. 112. (a) It is the intent of the Legislature to prepare for  
37 the effective use of childcare funds available from the federal  
38 government during the COVID-19 pandemic and recovery period  
39 in order to support the essential workforce through necessary,  
40 high-quality childcare, support healthy child development during

If an agency projects unspent monies families can be enrolled beyond the 90 days

Language that allows unspent monies to be used moving forward

Creates a first priority for those children of essential workers to be enrolled in CAPP 12-months

Priority for spending federal dollars

1 this historic time, and ensure the stability of California’s childcare  
2 system.

3 (b) Contingent on the receipt of federal funds that may be used  
4 for these purposes during the 2020–21 fiscal year, the State  
5 Department of Education shall prioritize funding in the following  
6 order, over the total duration of time allowable for expenditure  
7 under federal law, or, if shorter, until an applicable date specified  
8 below:

9 (1) Up to one hundred million dollars (\$100,000,000) for  
10 alternative payment programs to extend childcare services for  
11 families eligible for services under Chapter 2 (commencing with  
12 Section 8200) of Part 6 of Division 1 of Title 1 of the Education  
13 Code, with first priority to extend childcare services through June  
14 30, 2021, for essential workers, at-risk children, and children with  
15 disabilities or special health care needs whose individualized  
16 education programs or individualized family service plans include  
17 early learning and care services who accessed care pursuant to  
18 Senate Bill 89 (Chapter 2 of the Statutes of 2020), second priority  
19 for children who are (A) identified as children at risk of abuse,  
20 neglect, or exploitation in a written referral from a legal, medical,  
21 or social service agency, or emergency shelter, or (B) identified  
22 by a legal, medical, or social services agency, a local educational  
23 agency liaison for homeless children and youths designated  
24 pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United  
25 States Code, a Head Start program, or an emergency or transitional  
26 shelter as (i) a recipient of protective services, (ii) being neglected,  
27 abused, or exploited, or at risk of neglect, abuse, or exploitation,  
28 or (iii) being homeless, and third priority for other essential workers  
29 otherwise eligible for childcare services pursuant to Section 8263  
30 of the Education Code through June 30, 2021, to the extent required  
31 or permitted under federal law.

32 (2) Up to fifty million dollars (\$50,000,000) to contractors for  
33 California state preschool programs pursuant to Article 7  
34 (commencing with Section 8235) of Chapter 2 of Part 6 of Division  
35 1 of Title 1 of the Education Code and contractors for general  
36 childcare and development programs pursuant to Article 8  
37 (commencing with Section 8240) of Chapter 2 of Part 6 of Division  
38 1 of Title 1 of the Education Code to increase capacity for up to  
39 two years. Priority for funding pursuant to this paragraph shall be  
40 as follows:

Monies for APs to extend  
child care to essential  
workers, at-risk children  
and children with special  
needs for not less than 12-  
months eligibility

Funding for state preschool  
to increase capacity

1 (A) First priority shall go to existing general childcare and  
2 development program contractors to expand new childcare services  
3 for children from 0 to 3 years of age, inclusive.

4 (B) Second priority shall go to existing California state preschool  
5 program contractors to expand new capacity for full-day programs,  
6 pursuant to Section 8239 of the Education Code.

7 (C) Third priority shall go to new or existing contractors for  
8 general childcare and development programs or California state  
9 preschool programs.

10 (3) (A) Up to twenty-five million dollars (\$25,000,000) in  
11 stipends to assist licensed childcare providers with costs to reopen  
12 childcare facilities closed due to the COVID-19 pandemic, and to  
13 supplement unfunded costs caused by low attendance or temporary  
14 closures due to the COVID-19 pandemic. First priority for these  
15 stipends shall be given to providers whose total child enrollment  
16 is at least 50-percent state-subsidized.

17 (B) Stipends shall go to licensed family childcare home  
18 providers and licensed center-based childcare programs that closed  
19 on or after March 15, 2020, and remain closed through July 1,  
20 2020, and that served at least three children enrolled in childcare  
21 services under CalWORKs or through an alternative payment  
22 program between January 1, 2019, and March 1, 2020.

23 (C) Alternative payment programs shall provide up to five  
24 thousand dollars (\$5,000) per licensed family childcare home  
25 contractor and up to fifteen thousand dollars (\$15,000) per licensed  
26 center-based childcare agency to address debts incurred during the  
27 childcare and development facility’s closure after the 30 days of  
28 funding provided under Senate Bill 89 (Chapter 2 of the Statutes  
29 of 2020). Allowable costs shall be determined by the department,  
30 consistent with federal law and reimbursable costs guidance, to  
31 address debts incurred between March 15, 2020, and July 1, 2020,  
32 that may be preventing a licensed family childcare home or licensed  
33 center-based childcare agency from reopening.

34 (D) For each stipend provided pursuant to this paragraph, the  
35 alternative payment program shall disburse one-half of the awarded  
36 funds up front. A stipend recipient shall remain open and willing  
37 to serve families eligible for childcare services under CalWORKs  
38 or through an alternative payment program for at least three months  
39 after reopening. At the end of the three-month period, the remainder  
40 of stipend shall be disbursed.

Priority language for  
distribution of state  
preschool dollars

Stipend language for  
licensed providers to  
support costs to reopen  
and/or supplement costs  
for low attendance.

APs to provider up to  
\$5,000 per licensed  
family childcare home up  
to \$15,000 per licensed  
center to address debts  
incurred after the funding  
allowed for closure in MB  
20-04 & 20-04(a)

Language on how to  
award stipends

1 (E) A stipend provided pursuant to this paragraph may cover  
 2 up to 100 percent of operating costs during the childcare and  
 3 development facility’s closure period, up to the applicable amount  
 4 stated in subparagraph (C), on the condition that the childcare  
 5 program meets all federal requirements, including, but not limited  
 6 to, staff compensation. A licensed family childcare home provider  
 7 or licensed center-based childcare program shall not have received  
 8 family fees or state or federal reimbursement for services during  
 9 the childcare and development facility’s closure period. To the  
 10 extent funds received under Senate Bill 89 (Chapter 2 of the  
 11 Statutes of 2020) were received by a provider during a closure  
 12 period, the alternative payment program shall subtract the amount  
 13 of funds received under Senate Bill 89 (Chapter 2 of the Statutes  
 14 of 2020) from the facility’s closure period operating costs, for  
 15 purposes of calculating the stipend amount.

16 (4) (A) Up to one hundred twenty-five million dollars  
 17 (\$125,000,000) to the department for subsidized childcare provider  
 18 stipends to assist all subsidized childcare providers operating  
 19 programs pursuant to Article 3 (commencing with Section 8220)  
 20 of, Article 6 (commencing with Section 8230) of, Article 7  
 21 (commencing with Section 8235) of, Article 8 (commencing with  
 22 Section 8240) of, Article 8.5 (commencing with Section 8245) of,  
 23 Article 9 (commencing with Section 8250) of, or Article 15.5  
 24 (commencing with Section 8350) of, Chapter 2 of Part 6 of  
 25 Division 1 of Title 1 of the Education Code with increased  
 26 cost-of-care expenses during the COVID-19 pandemic period.

27 (B) The Superintendent of Public Instruction shall, on or before  
 28 September 1, 2020, develop a methodology for augmenting each  
 29 individual contractor operating programs identified in subparagraph  
 30 (A) with a stipend, in accordance with both of the following:

31 (i) For the direct-contract subsidized childcare programs  
 32 pursuant to Article 6 (commencing with Section 8230) of, Article  
 33 7 (commencing with Section 8235) of, Article 8 (commencing  
 34 with Section 8240) of, Article 8.5 (commencing with Section 8245)  
 35 of, and Article 9 (commencing with Section 8250) of, Chapter 2  
 36 of Part 6 of Division 1 of Title 1 of the Education Code, the  
 37 proposed stipend methodology shall be based on the number of  
 38 children served and the proportion to the provider’s reimbursement  
 39 from the state and the applicable regional market rate.

Language to answer what stipends may cover

Stipends can be used to address increased cost-of-care expenses during COVID-19

September 1, 2020 deadline to identify stipend amounts

Language on how stipends to direct-contract childcare programs will be determined

Voucher stipend  
determination language

1 (ii) For voucher-based subsidized childcare programs pursuant  
2 to Article 3 (commencing with Section 8220), Article 6  
3 (commencing with Section 8230), and Article 15.5 (commencing  
4 with Section 8350) of, Chapter 2 of Part 6 of Division 1 of Title  
5 1 of the Education Code, the proposed methodology shall be based  
6 on the number of children served and the regional average cost of  
7 care. The methodology developed pursuant to this clause shall be  
8 developed in consultation and collaboration with the State  
9 Department of Social Services.

10 (C) The Superintendent of Public Instruction shall present the  
11 methodology developed pursuant to subparagraph (B) and the  
12 proposed schedule of augmentations to the Department of Finance  
13 and the Joint Legislative Budget Committee for review and  
14 approval before any augmentations are made.

15 (D) Once the Department of Finance and the Joint Legislative  
16 Budget Committee have approved the methodology and the  
17 proposed schedule of augmentations, a budget revision shall be  
18 submitted by the State Department of Education to the Controller  
19 to move the appropriate funding amounts for augmentation to  
20 CalWORKs Stage 1, pursuant to Section 8351 of the Education  
21 Code, to the State Department of Social Services.

22 (c) Notwithstanding Section 26.00 of the Budget Act of 2020,  
23 the State Department of Education may transfer program  
24 expenditure authority provided in paragraph (4) of subdivision (b)  
25 between schedules to accurately reflect expenditures in the program  
26 schedules, upon the approval of the Department of Finance. The  
27 Department of Finance may, at its discretion, approve such a  
28 transfer of program expenditure authority to the extent total  
29 allocations do not exceed the total amount specified in paragraph  
30 (4) of subdivision (b). Upon approval from the Department of  
31 Finance, the Superintendent of Public Instruction shall notify the  
32 chairs of the relevant policy committees and budget subcommittees  
33 of the Legislature of its intent to transfer program expenditure  
34 authority between programs.

35 (d) For purposes of this section, “essential worker” has the same  
36 meaning as “essential critical infrastructure worker” pursuant to  
37 Executive Order No. N-45-20.

38 SEC. 113. (a) The sum of fifty million dollars (\$50,000,000)  
39 is hereby appropriated from the General Fund in the 2020-21 fiscal  
40 year to the State Department of Education on a one-time basis to