

Proposed Trailer Bill

The May Revision proposes the following trailer bill language changes. Incremental changes to the Governor's Budget proposal are highlighted in bold font.

State Preschool Wrap Care Eligibility

Section 8239 of the Education Code is amended to read:

- (a) The Superintendent shall encourage state preschool program applicants or contracting agencies to offer full-day services through a combination of part-day preschool slots and wraparound general child care and development programs. In order to facilitate a full day of services, all of the following shall apply:
- (1) Part-day preschool programs provided pursuant to this section shall operate between 175 and 180 days.
 - (2) Wraparound general child care and development programs provided pursuant to this section may operate a minimum of 246 days per year unless the child development contract specified a lower minimum days of operation. Part-day general child care and development programs may operate a full day for the remainder of the year after the completion of the preschool program.
 - (3) Part-day preschool services combined with wraparound child care services shall be reimbursed at a base rate determined pursuant to Section 8265 and in the annual Budget Act, using adjustment factors pursuant to Section 8265.5.
 - (4) Three- and four-year-old children are eligible for wraparound child care services to supplement the part-day California state preschool program if the family meets at least one of the criteria specified in **subparagraph (A) of paragraph (1) of subdivision (a) of Section 8263,** ~~and the parents meet at least one of the criteria specified in paragraph (2) of subdivision (a) of Section 8263.~~
- (b) For purposes of this section, "wraparound child care services" and "wraparound general child care and development programs" mean services provided for the remaining portion of the day or remainder of the year following the completion of part-day preschool services that are necessary to meet the child care needs of parents eligible pursuant to subdivision (a) of Section 8263. These services shall be provided consistent with the general child care and development programs provided pursuant to Article 8 (commencing with Section 8240).

Emergency Childcare Diversion Voucher Pilot Program

Section 83XX of the Education Code is added to read:

(New for May Revision)

The Emergency Child Care Diversion Pilot Program is hereby created to provide one-time emergency child care assistance for families in crisis.

(a) It is the intent of the Legislature in enacting this program that participating alternative payment programs make accessible information about the availability of one-time emergency child care assistance readily available to as many families as possible within each programs' service area.

(b) By January 1, 2020, the State Department of Education shall identify up to twelve (12) alternative payment programs to regionally administer funds appropriated for the Emergency Child Care Diversion Pilot Program. Alternative payment programs shall be selected to participate in the Emergency Child Care Diversion Pilot Program based on demonstrated need in the service region for emergency child care assistance and ability to effectively and efficiently administer the program pursuant to this section. Alternative payment programs selected shall represent a diversity of communities across the state.

(c) Upon the approval of the State Department of Education, funds appropriated for the purposes of this chapter are for allocation to alternative payment programs to administer emergency child care diversion vouchers. The alternative payment provider shall determine whether a family applying for assistance is eligible for assistance pursuant to this section. An applicant may receive assistance pursuant to this section if any of the following conditions are met:

(1) The applicant needs immediate access to subsidized child care because the applicant does not have sufficient resources to meet his or her immediate child care needs and failure to secure subsidized child care could result in the loss of a job, job opportunity, or a reduction to income earned. Examples of emergency situations include, but are not limited to, notice of termination or loss of child care services, as a result of inability to meet financial obligations or unanticipated termination notification of the current child care provider.

(2) The applicant would materially benefit from a one-time emergency child care voucher or cash payment to pay the balance of outstanding childcare bill or invoice, credit card statement, or proof of the need for a one-time down payment for child care. The alternative payment provider shall make this determination in its sole discretion. In making this determination, the alternative payment provider shall consider whether the applicant is likely to be able to avoid the need for extended assistance beyond the diversion period if the family was provided one-time assistance.

(d) An applicant may not receive assistance pursuant to this section if they are otherwise receiving assistance through CalWORKs, the CalWORKs diversion program, pursuant to section 11266.5 of the Welfare and Institutions Code, or the CalWORKs Emergency Child Care Bridge Program, pursuant to section 11461.6 of the Welfare and Institutions Code. An applicant shall not be considered eligible for assistance pursuant to this section if their income level exceeds 85 percent of the state median income pursuant to Section 8263.1. Additionally, assistance may not be provided for the care of a child older than twelve (12) years of age, unless the child has exceptional needs, in which case assistance may be provided if the child with exceptional needs is younger than 22 years of age.

(e) If the alternative payment provider, determines, pursuant to subdivision (b), that an applicant could benefit from one-time emergency child care diversion assistance, the alternative payment provider shall inform the applicant of its determination.

(f) An applicant for aid under this chapter may either participate in the one-time emergency diversion payment program or decline participation in diversion and, instead, receive cash aid if otherwise provided for in this chapter.

(g) One-time emergency child care diversion payments or voucher services provided pursuant to this section may include any cash or noncash payment whereas the following conditions apply:

(1) The grant is provided on a one-time basis and only available for a three month period.

(2) The amounts shall be negotiated by the alternative payment program and the applicant in order to assist the applicant in avoiding the need for aid under this chapter. The actual amounts issued will be determined based on the identified need for the individual family.

(3) The maximum amount of the payment provided or value of the voucher received shall be \$2,000, unless the alternative payment provider determines otherwise.

(4) The amount determined may be for a single need or a combination of needs.

(5) The amounts may be paid directly to a child care provider or to the individual receiving aid if deemed appropriate by the alternative payment provider.

(h) To the extent permitted by federal law, one-time emergency child care diversion payments or vouchers shall not be considered income for the purpose of determining eligibility for other subsidized programs.

(i) Any child support collected by the applicant or recovered by the county shall not be used to offset the diversion payment.

- (i) On or before July 1 of each year of the pilot program, each alternative payment program that allocated funding through the Emergency Child Care Diversion Pilot Program shall submit the following data to the State Department of Education: the number of families served in the program, the amount of each child care emergency diversion payment, and the reason for diversion payment. On or before August 1 of each year of the pilot program, the department shall compile the data submitted by the alternative payment providers and submit a report to the chairs of the relevant legislative subcommittees and the Department of Finance.
- (k) It is the intent of the Legislature that funding for the Emergency Child Care Diversion Pilot Program shall be appropriated in the annual Budget Act through fiscal year 2021-22.

Early Learning and Care Workforce Master Plan, Workforce Development, and Infrastructure Proposal

Article 22.1 (commencing with Section 8465), Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code is amended to read:

- (a) The Legislature finds and declares all of the following:
- (1) Providing children in California with a healthy start is one of the best investments the state can make.
 - (2) Research links early childhood interventions and improved life outcomes, including higher education levels, better health, and stronger career opportunities.
 - (3) Access to high-quality, affordable childcare and early learning programs is essential for all families.
 - (4) Parents are more likely to be successful in school and career if they know that their children are safe and productively engaged throughout the day.
 - (5) Children who are emotionally, developmentally, and academically supported in a care setting are more likely to start school ready to learn and continue to excel once they are enrolled in school.
- (b) To implement a more well-aligned, comprehensive childcare system in the state, on or before October 1, 2019, ~~the executive director of the State Board of Education or the executive director's designee, in consultation with the Superintendent of Public Instruction and the Director of the State Department of Social Services,~~ **the California Department of Education, subject to approval by the Executive Director of the State Board of Education and his or her designee and in consultation with the director of the Department of Social Services,** shall enter into a contract with a **one or more** nongovernmental research and policy agencies to develop recommendations for future investment in the state's system of subsidized childcare and early learning for children from birth to five years of age, inclusive, with specific focus on children in high-need, low-income areas. These recommendations shall be compiled in a report, **or series of reports,** to be completed on or before October 1, 2020, **but released on a flow basis,** and provided to the Governor, the chairpersons of the legislative policy and budget committees for education and health and human services, the executive director of the State Board of Education or the executive director's designee, the Superintendent of Public Instruction, the Director of the State Department of Social Services, and the Director of Finance.
- (c) For purposes of subdivision (b) of this section, the California Department of Education may enter into an exclusive or nonexclusive contract on a bid or negotiated basis. Any contract entered into or amended pursuant to subdivision (b) of this section shall be exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Section 19130 of the Government Code, and Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, and shall be exempt from the review or approval of any division of the Department of General Services.**

(d) Notwithstanding any other law, the one or more nongovernmental research and policy agencies may subcontract as necessary in the performance of its duties, subject to approval of the Executive Director of the California State Board of Education or his or her designee.

(1) The report **or series of reports** shall include all of the following:

(A) A blueprint **Master Plan** for the state's system of subsidized childcare and early learning for children from birth to five years of age, inclusive, that equally prioritizes parents' need for care in order to work and the educational needs of young children. This new system shall balance all of the following:

(i) Access and affordability for families.

(ii) A wage and working environment that values and supports childcare professionals.

(iii) A setting and curriculum that invests in children's social, emotional, and academic development.

(iv) A seamless system of wraparound services that supports a diverse child population and mitigates any barriers to learning.

(B) A framework, including options to generate needed revenues, **examine alternate funding streams, and** implement a comprehensive, high-quality childcare and prekindergarten education system in California. This framework shall reflect **incorporate** the principles of shared responsibility, **fiscal sustainability, and regional variability by examining the following:**

(i) The appropriate role for government, businesses, and parents in meeting child care and prekindergarten education needs.

(ii) A cohesive system of provider reimbursement that reflect the variations in the cost of doing business across the state.

(iii) The current allocation of state and federal funding for child care and prekindergarten education across the state, specifically by measures of local needs and access to subsidized care.

(C) Ways to simplify the subsidized childcare system, bring greater cohesion and stability to the system, **identify barriers to providing and receiving care,** and increase access to childcare subsidies, including by considering all of the following:

(i) A cohesive system of provider reimbursement that reflects the variations in the cost of doing business across the state and the costs of serving a diverse population of children, including children with disabilities and dual language learners.

(ii) A single set of minimum quality and program guidelines for all subsidized childcare providers by setting.

(iii) A career pathway for childcare professionals that provides upward mobility and produces a trained and stable workforce, **but and** also considers **the role of higher education in workforce development, the added benefit of additional coaching and training supports,** and potential barriers to access for families resulting from a lack of qualified childcare professionals.

(iv) Improved efficiency for parents to access information about subsidized care, to apply for and use subsidies, and to access care that meets their needs, including for those requiring care for their children during nonstandard hours of the day and week.

(v) Improved efficiency for providers accepting subsidies to receive payment for services.

(vi) A data system developed in coordination with the Cradle-to-Career Data Insights Act, that enables parents, providers, and policymakers to provide appropriate interventions and supports to address disparities in opportunities for children aged 0-5.

(vii) Needs of subsidized providers in maintaining or improving their facility capacity, including their decision-making framework for choosing their current facility arrangements.

(D) Necessary steps to provide universal prekindergarten education for all three- and four-year-old children in California, including by considering all of the following:

(i) Recommendations to address the overlap between the transitional kindergarten, state preschool, and Head Start programs, and ensure that all children, regardless of family income, have access to the same level of prekindergarten program quality.

~~(ii) Strategies to address facility capacity and ensure a trained workforce is available.~~ **Strategies to identify families' decision-making framework for choosing among prekindergarten programs, and measuring unmet need for families who are unable to access a quality program.**

(iii) Recommendations to align prekindergarten education with the subsidized childcare system and the elementary and secondary education system, to ensure that children have access to a full day of care, as needed, and ensure seamless matriculation to elementary and secondary education.

~~(E) An assessment of the current allocation of public funding for childcare and prekindergarten education across the state, specifically by measures of local needs and access to subsidized care.~~

~~(FE)~~ Estimated costs to implement the recommendations included in the report as well as strategies for prioritizing state investments in childcare and prekindergarten education in future years. **These strategies and priorities shall be developed with consideration of fiscal sustainability.**

(2) The report developed pursuant to paragraph (1) shall build on prior childcare system and prekindergarten education research and data, including that developed by the State Department of Education, the State Department of Social Services, the State Advisory Council on Early Learning and Care, and the Legislature.

(c) The requirements of subdivision (b) shall be funded from funds appropriated for this purpose in the Budget Act of 2019.

(d) By June 30, 2021, the unencumbered balance of any appropriation provided for the support of the activities described in subdivision (b) shall be made available for activities described in Section 8465 upon approval of the Director of Finance.

Article 22.1. ~~Childcare~~**Early Learning and Care** Infrastructure and Workforce Development Grants

8465. (a) The Superintendent shall administer ~~an infrastructure grants program for construction of new, or retrofitting of existing, the Early Learning and Care Infrastructure Grant Program to expand access to early learning and care opportunities for children up to five years of age by providing resources to build new facilities or retrofit, renovate or expand existing childcare and preschool~~ facilities pursuant to this section.

(b) The ~~Superintendent shall award~~ infrastructure grants ~~shall be awarded~~ on a competitive basis to ~~childcare and preschool early learning and care~~ providers that are not local educational agencies, ~~including those that operate as a childcare center or a family childcare home, and operate as a licensed childcare center, preschool, or licensed family child care home~~ for the following purposes:

(1) Construction of new early learning and care facilities to increase capacity or recover lost capacity as a result of a state or federally declared disaster.

(2) Renovation, repair, modernization, or retrofitting existing early learning and care facilities to increase capacity or recover lost capacity as a result of a state or federally declared disaster, or make existing early learning and care facilities more resilient for future natural disasters.

(3) Renovation, repair, modernization, or retrofitting of existing facilities for use as early learning and care facilities.

~~The Superintendent shall allocate a portion of the funds available for the grants each fiscal year through the 2023-24 fiscal year, in approximately equal amounts each fiscal~~

year. **(c)** The Superintendent shall require ~~both of~~ **all of** the following from applicants for the infrastructure grants:

(1) A proposal to increase **capacity and** local access to subsidized early learning and ~~preschool care~~ programs for children up to five years of age, including children with exceptional needs. The ~~proposal information~~ shall quantify the number of additional ~~subsidized children proposed to be~~ **who will be served provided with access to subsidized early learning and care programs.**

(2) A plan to fiscally sustain **the increase in** subsidized spaces or programs created through the use of these funds. Subsidies may be funded with private, local, state, or federal funds, but shall be able to demonstrate reasonable expectations of sustainability.

(3) **Specific activities and materials for which grant funding will be used.**

(4) **A description of how the applicant will measure outcomes associated with the proposal submitted pursuant to paragraph (1), as specified by the Superintendent.**

(5) **An outline of any potential challenges or barriers the applicant will experience or expect to experience in building capacity including the need for any technical assistance to address the issues identified.**

(c) ~~The Superintendent shall give p~~**Priority for grant funding shall be given** based on the following:

(1) Applicants with a demonstrated need for expanded access to subsidized ~~childcare or preschool~~**early learning and care programs as measured by the ratio of children in subsidized early learning and care programs to eligible children in the applicant's service area.**

(2) Applicants in low-income communities, as measured by the proportion of children that qualify for state or federal subsidies for ~~childcare or preschool~~**early learning and care programs.**

(3) Applicants who plan to **use grant funding to** serve children that qualify for state or federal subsidies for ~~childcare or preschool~~**early learning and care programs.**

(d) Infrastructure grants may be used for one-time infrastructure costs only, including, but not limited to, universal design facility renovations, the cost of design, engineering, testing, inspections, plan checking, construction management, site acquisition and development, evaluation and response action costs relating to hazardous substances at a new or existing site, demolition, construction, landscaping, or other related costs as determined by the Superintendent.

(e) Infrastructure grant recipients shall commit to providing program data to the department, as specified by the Superintendent, and participate in overall program evaluation.

(f) The infrastructure grants program created pursuant to this section shall be funded from funds appropriated for this purpose in the Budget Act of 2019. **Of the amount provided for this program, the Superintendent shall allocate a portion of the funds available for the grants through the 2023–24 fiscal year, in approximately equal amounts each fiscal year as follows:**

(1) In fiscal year 2019-20, for licensed early learning and care centers that are not local educational agencies, pursuant to this section.

(2) In each fiscal year thereafter, for all licensed early learning and care providers, including licensed family child care home providers, to the extent the process described in subdivision (g) is complete.

(g) Notwithstanding any part of this section, the Superintendent, with concurrence of the Executive Director of the State Board of Education, shall ensure that funding released after October 1, 2020 reflects the recommendations and priorities of the Master Plan for Early Learning and Care.

(h) Before March 1, 2020, the Superintendent, with concurrence of the Department of Finance, shall determine an appropriate method, process, and structure for grant management, fiscal accountability, and technical assistance and supports for grantees

that ensures transparency and accountability in the use of state funds. Consideration shall be given to the use of one or more financial intermediaries, state financial entities, or other organizations. The Superintendent will notify the Joint Legislative Budget Committee when this process is determined.

8466. (a) The Superintendent shall administer ~~a competitive workforce development grants program~~ **the Early Learning and Care Workforce Development Grants Program** to expand the number of qualified childcare and early learning professionals and increase the educational credentials of existing childcare and early learning professionals across the state, pursuant to this section.

(b) ~~The department shall administer the workforce development grants through local partnerships in all 58 counties in the state. The Superintendent shall allocate a portion of the funds available for the grants each fiscal year through the 2023–24 fiscal year, in approximately equal amounts each fiscal year. Of the amount provided for this program in the Budget Act of 2019, the Superintendent shall allocate a portion of the funds available for the grants through the 2023–24 fiscal year, in approximately equal amounts each fiscal year.~~

(c) The Superintendent shall award and administer the workforce development grants to local and/or regional quality improvement partnerships, as defined by the Superintendent, representing all 58 counties across the state. A local and/or regional quality improvement partnership may form a consortia with one or more regional partners. All local and/or regional partners partnerships shall submit a plan to the department that describes how they will allocate funds and increase the number, and qualifications, and competencies of childcare and early learning professionals in their county. The plan shall also describe how local partners partnerships will engage in collaborative partnerships with their members, local governmental agencies, businesses, nonprofit organizations, or other interested partners to improve the educational attainment of childcare and early learning professionals in their county or region, including those working in centers, family child care homes, and license-exempt settings.

~~(ed)~~ Workforce development grant award amounts shall be determined based on the following criteria:

(1) Demonstrated need for childcare professionals in each county **or region**.

(2) The cost of living in each county **or region**.

(3) The number of children under 13 years of age in each county **or region** who are in a family whose income is up to 85 percent of the state median income.

~~(de)~~ Workforce development grants may be used for costs associated with the educational expenses of current and future childcare and early learning professionals that move those professionals along the childcare and early learning professional continuum **career lattice and support their attainment of increased education in early childhood instruction or child development**, including:

(1) Tuition, supplies, and other related educational expenses.

(2) Transportation and childcare costs incurred as a result of attending classes.

(3) Substitute teacher pay for childcare and early learning professionals that are currently working in a subsidized childcare and early learning setting.

(4) Stipends and professional development expenses as determined by the Superintendent.

~~(45)~~ Other educational expenses as determined by the Superintendent.

(f) Local and/or regional partnerships awarded funding pursuant to this section may partner with local or online accredited higher education institutions, local agencies that provide high-quality, credit-bearing trainings, or apprenticeship programs that integrate and embed higher education coursework with on the job training of professionals.

(g) The Superintendent may set aside no more than 1 percent of the total funding appropriated for the Early Learning and Care Workforce Development Grants Program to provide technical assistance and support for grantees and potential grantees on developing proposals for and implementing workforce development grants.

(eh) Local partners receiving grants shall commit to providing program data to the department, as specified by the Superintendent, **including but not limited to recipient information, educational progress and employment status,** and participate in overall program evaluation.

(fi) The competitive workforce development grants program created pursuant to this section shall be funded from funds appropriated for this purpose in the Budget Act of 2019.

(j) Notwithstanding any part of this section, the Superintendent, with concurrence of the Executive Director of the State Board of Education, shall ensure that funding released after October 1, 2020 reflects the recommendations and priorities of the Master Plan for Early Learning and Care.

Cradle-to-Career Data Insights Act

Section 10850 of the Education Code is amended to read:

10850. This chapter shall be known, and may be cited, as the Cradle-to-Career Data Insights Act.

10851. For purposes of this chapter, the following definitions apply:

(a) "Data System" means statewide data infrastructure that integrates data from various Partner Entities and supports the purposes identified in this chapter.

(b) "Partner Entity" means an organization that can provide information to the Data System to advance the purposes identified in this chapter and includes, but is not limited to, state entities responsible for elementary and secondary education data, **early learning data,** segments of public higher education, private colleges and universities, state entities responsible for student financial aid, childcare providers, state labor and workforce development agencies, and state departments administering health and human services programs.

(c) "Planning Facilitator" means an entity with expertise in data governance, privacy, security, quality, **reporting,** and user-centered design.

(d) "Workgroup" means the Cradle-to-Career Data Insights Workgroup established pursuant to Section 10853.

10852. It is the intent of the Legislature in enacting this chapter to do all of the following:

(a) Build a Data System to enable Partner Entities to share information in a manner that promotes data privacy and security.

(b) Design a Data System that minimizes the need for new infrastructure, is adaptable, and is flexible to meet future needs.

(c) Serve students and families by doing all of the following:

(1) Identifying and tracking predictive indicators to enable parents, teachers, health and human services providers, and policymakers to provide appropriate interventions and supports to address disparities in opportunities and improve outcomes for all students.

(2) Creating direct support tools for teachers, parents, advisors, and students.

(3) Enabling agencies to plan for and optimize educational, workforce, and health and human services programs.

(4) Advancing academic and governmental research on improving policies within the cradle-to-career spectrum.

(d) Improve the quality and reliability of data reported, and ensure consistency of key data definitions.