

An act to amend Sections 10271, 10370.5, and 11323.4 of the Welfare and Institutions Code, relating to childcare.

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 10271 of the Welfare and Institutions Code is amended to read:

10271. (a) (1) The department shall adopt rules and regulations on eligibility, enrollment, and priority of services needed to implement this part. In order to be eligible for federal and state subsidized child development services, families shall meet at least one requirement in each of the following areas:

(A) A family is (i) a current aid recipient, (ii) income eligible, (iii) homeless, (iv) one whose children are recipients of protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited, or (v) one who has a member of its household who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by the department. If a family is deemed eligible pursuant to clause (v), the family shall be prioritized by the income declared on the application for the means-tested government program.

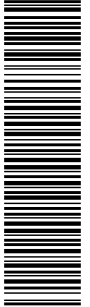
(B) A family needs the childcare services (i) because the child is identified by a legal, medical, or social services agency, a local educational agency liaison for homeless children and youths designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, a Head Start program, or an emergency or transitional shelter as (I) a recipient of protective services, (II) being neglected, abused, or exploited, or at risk of neglect, abuse, or exploitation, or (III) being homeless or (ii) because the parents are (I) engaged in vocational training leading directly to a recognized trade, paraprofession, or profession, (II) engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate, (III) employed or seeking employment, (IV) seeking permanent housing for family stability, ~~or (V) incapacitated.~~ (V) incapacitated, or (VI) participating in a CalWORKs program activity.

(2) If only one parent has signed an application for enrollment in childcare services, as required by this part or regulations adopted to implement this part, and the information provided on the application indicates that there is a second parent who has not signed the application, the parent who has signed the application shall self-certify the presence or absence of the second parent under penalty of perjury. The parent who has signed the application shall not be required to submit additional information documenting the presence or absence of the second parent.

(b) Except as provided in Chapter 21 (commencing with Section 10370), priority for federal and state subsidized child development services is as follows:

(1) First priority shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If an agency is unable to enroll a child in the first priority category, the agency shall refer the family to local resource and referral services to locate services for the child.

(2) Second priority shall be given equally to eligible families, regardless of the number of parents in the home, who are income eligible. Within this priority, families



with the lowest gross monthly income in relation to family size, as determined by a schedule adopted by the department, shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with exceptional needs shall be admitted first. If there is no family of the same priority with a child with exceptional needs, the family of the same priority in which the primary home language is a language other than English shall be admitted first. If there is no family of the same priority in which the primary home language is a language other than English, the family of the same priority that has been on the waiting list for the longest time shall be admitted first. For purposes of determining order of admission, grants of public assistance recipients shall be counted as income.

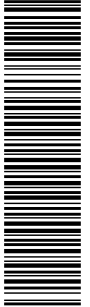
(3) The department shall set criteria for, and may grant specific waivers of, the priorities established in this subdivision for agencies that wish to serve specific populations, including children with exceptional needs or children of prisoners. These new waivers shall not include proposals to avoid appropriate fee schedules or admit ineligible families, but may include proposals to accept members of special populations in other than strict income order, as long as appropriate fees are paid.

(c) Notwithstanding any other law, in order to promote continuity of services, a family enrolled in a state or federally funded childcare and development program whose services would otherwise be terminated because the family no longer meets the program income, eligibility, or need criteria may continue to receive child development services in another state or federally funded childcare and development program if the contractor is able to transfer the family's enrollment to another program for which the family is eligible before the date of termination of services or to exchange the family's existing enrollment with the enrollment of a family in another program, provided that both families satisfy the eligibility requirements for the program in which they are being enrolled. The transfer of enrollment may be to another program within the same administrative agency or to another agency that administers state or federally funded childcare and development programs.

(d) A physical examination and evaluation, including age-appropriate immunization, shall be required before, or within six weeks of, enrollment. A standard, rule, or regulation shall not require medical examination or immunization for admission to a childcare and development program of a child whose parent or guardian files a letter with the governing board of the childcare and development program stating that the medical examination or immunization is contrary to the parent's or guardian's religious beliefs, or provide for the exclusion of a child from the program because of a parent or guardian having filed the letter. However, if there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child shall be temporarily excluded from the program until the governing board of the childcare and development program is satisfied that the child is not suffering from that contagious or infectious disease.

(e) Regulations formulated and promulgated pursuant to this section shall include the recommendations of the State Department of Health Care Services relative to health care screening and the provision of health care services. The department shall seek the advice and assistance of these health authorities in situations where service under this part includes or requires care of children who are ill or children with exceptional needs.

(f) The department shall establish guidelines for the collection of employer-sponsored childcare benefit payments from a parent whose child receives



subsidized childcare and development services. These guidelines shall provide for the collection of the full amount of the benefit payment, but not to exceed the actual cost of childcare and development services provided, notwithstanding the applicable fee based on the fee schedule.

(g) The department shall establish guidelines according to which the director or a duly authorized representative of the childcare and development program will certify children as eligible for state reimbursement pursuant to this section.

(h) (1) Except as provided in paragraphs (3) to (5), inclusive, upon establishing initial eligibility or ongoing eligibility for services under this part, a family shall be considered to meet all eligibility and need requirements for those services for not less than 24 months, shall receive those services for not less than 24 months before having their eligibility or need recertified, and shall not be required to report changes to income or other changes for at least 24 months.

(2) In the event that the eligibility period as described in paragraph (1) ends before the end of a program year, eligibility shall be extended until the end of the program year, as long as applicable age-eligibility requirements are met, as specified in Section 10213.5.

(3) A family that establishes initial eligibility or ongoing eligibility on the basis of income shall report increases in income that exceed the threshold for ongoing income eligibility as described in subdivision (b) of Section 10271.5, and the family's ongoing eligibility for services shall at that time be recertified.

(4) A family may at any time voluntarily report income or other changes. This information shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of the family's eligibility before recertification.

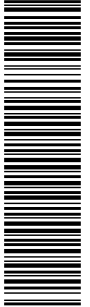
(5) If a family already receiving services pursuant to this part adds an additional child to the family size and the family requests services for that child during the current eligibility period, the family's eligibility period shall be extended, as necessary, to ensure that the additional child receives at least 12 months of eligibility for services before a redetermination of eligibility, as required pursuant to Section 98.21 of Title 45 of the Code of Federal Regulations.

(i) (1) Because a family that meets eligibility requirements at its most recent eligibility certification or recertification is considered eligible until the next recertification, as provided in subdivision (h), a payment made by a child development program for a child during this period shall not be considered an error or an improper payment due to a change in the family's circumstances during that same period.

(2) Notwithstanding paragraph (1), the department may seek to recover payments that are the result of fraud.

(j) (1) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) and Section 33308.5 of the Education Code, until regulations are filed with the Secretary of State to implement subdivision (h), the department shall implement subdivision (h) through management bulletins or similar letters of instruction on or before October 1, 2017.

(2) The department shall initiate a rulemaking action to implement subdivision (h) on or before December 31, 2018. The department shall convene a workgroup of parents, advocates, department staff, child development program representatives, and



other stakeholders to develop recommendations regarding implementing subdivision (h).

(k) (1) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) and Section 33308.5 of the Education Code, until regulations are filed with the Secretary of State, the department shall implement the changes made to subdivision (h) by the act that added this subdivision through management bulletins or similar letters of instruction on or before December 1, 2023.

(2) The department shall initiate a rulemaking action to implement the changes made to subdivision (h) by the act that added this subdivision on or before December 31, 2024.

(l) (1) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer the changes made to subparagraph (B) of paragraph (1) of subdivision (a) by the act that added this subdivision by all-county letters, bulletins, or similar written instructions until rules and regulations are adopted or revised.

(2) The department shall initiate a rulemaking action to adopt regulations to implement this subdivision no later than July 1, 2030.

~~(l)~~

(m) Public funds shall not be paid directly or indirectly to an agency that does not pay at least the minimum wage to each of its employees.

SEC. 2. Section 10370.5 of the Welfare and Institutions Code is amended to read:

10370.5. (a) Current CalWORKs recipients are eligible for all-~~child-care~~ childcare services under this chapter as long as they continue to receive aid under Chapter 2 (commencing with Section 11200) of Part 3, or any successor program. Family size and income, for purposes of calculating family fees, shall be determined pursuant to Section 10271.

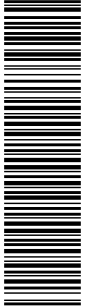
(b) A CalWORKs childcare recipient shall not participate in more than one stage of childcare at any given time.

SEC. 3. Section 11323.4 of the Welfare and Institutions Code is amended to read:

11323.4. (a) Payments for supportive services, as described in Section 11323.2, shall be advanced to the participant, whenever necessary, and when desired by the participant, so that the participant need not use the participant's funds to pay for these services. Payments for childcare services shall be made in accordance with Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of the Education Code.

(b) The county welfare department shall take all reasonable steps necessary to promptly correct any overpayment or underpayment of supportive services payments to a recipient or a service provider, including, but not limited to, all cases involving fraud and abuse, consistent with procedures developed by the department.

(c) Notwithstanding any other provision of this article, any participant in on-the-job training who becomes ineligible for aid under this chapter due to earned income or hours worked, shall remain a participant in the program under this article for the duration of the on-the-job training assignment and shall be eligible for supportive



services for the duration of the on-the-job training, provided this duration does not exceed the time limits otherwise applicable to the recipient.

(d) Notwithstanding any other provision of this article, any participant in on-the-job training, grant-based on-the-job training, supported work, or transitional employment who remains eligible for aid pursuant to this chapter, shall be eligible for transportation and ancillary expenses pursuant to paragraphs (3) and (4) of subdivision (a) of Section 11323.2.

(e) (1) Participants shall be encouraged to apply for financial aid, including educational grants, scholarships, and awards.

(2) To the extent permitted by federal law, the county shall coordinate with financial aid offices to establish procedures whereby the educational expenses of participants are met through available financial aid and the supportive services described in Section 11323.2. These procedures shall not result in duplication of payments, and shall require determinations to be made on an individual basis to ensure that using financial aid will not prevent the person's participation in their welfare-to-work plan.

(f) (1) Notwithstanding Section 10850, for purposes of childcare supportive services, county welfare departments shall share information necessary for the administration of the childcare programs and the CalWORKs program.

(2) By January 1, 2021, or the date that automation changes occur, as required for implementation of this section, in the Statewide Automated Welfare System, whichever date is later, a county welfare department shall provide limited, read-only, online access through individual county-level Statewide Automated Welfare System (SAWS) databases to local contractors providing CalWORKs childcare services. Access provided pursuant to this paragraph shall include a single summary page that contains current individual family data needed to enroll a family in CalWORKs childcare services or to transfer a family between stages. This data shall include, but not be limited to, all of the following items, if applicable:

(A) All of the information required in subdivision (a) of Section 18409 of Title 5 of the California Code of Regulations, or any successor regulation ~~thereto~~ thereto, and all of the following:

(i) The relationship between the current or former CalWORKs recipient or recipients and the child.

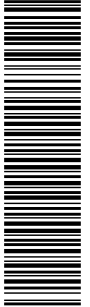
(ii) The childcare license number, if the childcare provider is licensed.

(iii) Whether the current or former CalWORKs recipient is receiving Medi-Cal or CalFresh benefits.

(B) If the family is no longer receiving CalWORKs cash aid, the date that a parent or adult caretaker last received CalWORKs cash aid.

(3) Paragraph (2) does not supersede any agreement between a county and a CalWORKs childcare contractor that was in effect on January 1, 2020, and provides for online access via the legacy Statewide Automated Welfare System to the data described in that paragraph.

(4) Beginning January 1, 2021, or the date that automation changes occur, as required for implementation of this section, in the Statewide Automated Welfare System, whichever date is later, a county welfare department shall provide to stage-two contractors on a monthly basis a report of all families for which the parent's cash aid has been discontinued, the parent has not received aid for at least one month, and the parent has children in the home who are eligible for childcare services. The report shall



include the parent's most up-to-date contact information. The report shall be jointly designed with representatives from the department, the County Welfare Directors Association of California, and Parent Voices, in consultation with county welfare departments and SAWS.

(5) A county welfare department may provide training on security protocols and confidentiality of individual family data to a contractor who is given access to data pursuant to this subdivision.

(6) This subdivision is not intended to limit the information shared for the administration of childcare in addition to the data described in paragraph (2).

(7) After consultation with stakeholders, the department shall issue an all-county letter or similar directive by November 1, 2019, to implement paragraphs (2) to (6), inclusive, until regulations are adopted.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: CalWORKs: childcare.

Existing law, the Child Care and Development Services Act, administered by the State Department of Social Services, requires the department to administer childcare and development programs that offer a full range of services to eligible children from infancy to 13 years of age, inclusive. Under the act, families are eligible for federal and state subsidized childcare and development services if they meet specified requirements. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals. Existing law provides childcare to CalWORKs recipients in 3 stages. Existing law requires, on the date automated changes occur in the Statewide Automated Welfare System (SAWS), a county welfare department to provide limited, read-only, online access through county-level SAWS databases to local contractors providing CalWORKs childcare services, including a summary page with current individual family data needed to enroll a family in CalWORKs childcare services or to transfer a family between stages.

This bill would expand the eligibility criteria for subsidized childcare services under the act to include participation in a CalWORKs program activity. The bill would prohibit a CalWORKs childcare recipient from participating in more than one stage of childcare at any given time. The bill would require the data available to local contractors on county-level SAWS databases to also include the relationship between the current or former CalWORKs recipient or recipients and the child, the childcare license number, if licensed, and whether the current or former CalWORKs recipient is receiving Medi-Cal or CalFresh benefits. By increasing duties on county welfare departments, this bill would impose a state-mandated local program.

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.

