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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 9. PUBLIC SOCIAL SERVICES [10000 - 18999.98] (*Division 9 added by Stats. 1965, Ch. 1784.*)

PART 1.8. Child Care and Development Services Act [10207 - 10492.2] (*Part 1.8 added by Stats. 2021, Ch. 116, Sec. 260.*)

CHAPTER 19. Child Care Subsidy Plan for the City and County of San Francisco [10350 - 10356] (*Chapter 19 added by Stats. 2021, Ch. 116, Sec. 260.*)

10350. The City and County of San Francisco may develop and implement an individualized county child care subsidy plan. The plan shall ensure that child care subsidies received by the city and county are used to address local needs, conditions, and priorities of working families in the community.

(*Added by Stats. 2021, Ch. 116, Sec. 260. (AB 131) Effective July 23, 2021.*)

10351. Before implementing the local subsidy plan, the City and County of San Francisco, in consultation with the department, shall develop an individualized county child care subsidy plan for the city and county that includes the following four elements:

(a) An assessment to identify the city and county's goal for its subsidized child care system. The assessment shall examine whether the current structure of subsidized child care funding adequately supports working families in the city and county and whether the city and county's child care goals coincide with the state's requirements for funding, eligibility, priority, and reimbursement. The assessment shall also identify barriers in the state's child care subsidy system that inhibit the city and county from meeting its child care goals. In conducting the assessment, the city and county shall consider all of the following:

- (1) The general demographics of families who are in need of child care, including employment, income, language, ethnic, and family composition.
- (2) The current supply of available subsidized child care.
- (3) The level of need for various types of subsidized child care services including, but not limited to, infant care, after-hours care, and care for children with exceptional needs.
- (4) The city and county's self-sufficiency income level.
- (5) Income eligibility levels for subsidized child care.
- (6) Family fees.
- (7) The cost of providing child care.
- (8) The regional market rates, as established by the department, for different types of child care.
- (9) The standard reimbursement rate or state per diem for centers operating under contracts with the department.
- (10) Trends in the county's unemployment rate and housing affordability index.

(b) Development of a local policy to eliminate state-imposed regulatory barriers to the city and county's achievement of its desired outcomes for subsidized child care.

- (1) The local policy shall do all of the following:

(A) Prioritize lowest income families first.

(B) Follow the family fee schedule established pursuant to Section 10290 of this code or Section 8252 of Education Code, as applicable, for those families that are income eligible, as defined by Section 10271.5 of this code or Section 8213 of the Education Code, as applicable.

(C) Meet local goals that are consistent with the state's child care goals.

(D) Identify existing policies that would be affected by the city and county's child care subsidy plan.

(E) (i) Authorize any agency that provides child care and development services in the city and county through a contract with the department to apply to the department to amend existing contracts in order to benefit from the local policy once it is adopted.

(ii) The department shall approve an application to amend an existing contract if the child care subsidy plan is approved pursuant to subdivision (b) of Section 10352, or modified pursuant to subdivision (c) of Section 10352.

(iii) The contract of a department contractor who does not elect to request an amendment to its contract remains operative and enforceable.

(2) (A) The city and county shall, by the end of the first fiscal year of operation under the approved child care subsidy plan, demonstrate an increase in the aggregate child days of enrollment in the county as compared to the enrollment in the final quarter of the 2004–05 fiscal year.

(B) The amount of the increase shall be at least equal to the aggregate child days of enrollment in the final quarter of the 2004–05 fiscal year for all contracts amended as provided in subparagraph (E) of paragraph (1), under which the contractor receives an increase in its reimbursement rate, times 2 percent.

(C) The amount of the increase shall also be proportional to the total contract maximum reimbursable amount to reflect the changes in the budget allocation for each fiscal year of the plan.

(3) The local policy may supersede state law concerning child care subsidy programs with regard only to the following factors:

(A) Provide a family that qualifies for the second or third stage of child care services pursuant to Chapter 21 (commencing with Section 10370), for purposes of eligibility, fees, and reimbursements, the same or higher level of benefit as a family that qualifies for subsidized child care on another basis pursuant to the local policy, except as otherwise provided in Chapter 21 (commencing with Section 10370). Nothing in this section shall be interpreted to impact or reduce any element in the second or third stage of child care services pursuant to Chapter 21 (commencing with Section 10370) that provides a greater benefit to participating families than is provided for in the local policy.

(B) Fees including, but not limited to, family fees, sliding scale fees, and copayments for those families that are not income eligible, as defined by Section 10271.5 of this code or Section 8213 of the Education Code, as applicable.

(C) Reimbursement rates, including adjustment factors identified in Section 10281.5 of this code or Section 8244 of the Education Code, as applicable.

(D) Methods of maximizing the efficient use of subsidy funds, including, but not limited to, multiyear contracting with the department for center-based child care, and interagency agreements that allow for flexible and temporary transfer of funds among agencies.

(c) Recognition that all funding sources utilized by direct service contractors that provide child care and development services in the city and county are eligible to be included in the child care subsidy plan of the city and county.

(d) Establishment of measurable outcomes to evaluate the success of the plan to achieve the city and county's child care goals and to overcome any barriers identified in the state's child care subsidy system. The department shall have an opportunity to review and comment on the proposed measurable outcomes before they are submitted to the local child care and development planning council for approval pursuant to Section 10352.

(e) Nothing in this section shall be construed to permit the city and county to change the regional market rate survey results for the city and county.

(f) Nothing in this section shall allow the city and county to adopt as part of its plan an increase to the regional market reimbursement rate beyond the level provided in the Budget Act.

(g) The plan may include stage one child care services in addition to alternative payment and direct service child care programs. If the plan includes CalWORKs child care, the plan administrator shall consult with their county welfare department to identify

opportunities for alignment, ensuring families experience no break in their child care services due to a transition between the three stages of child care services and policies implemented in the plan.

(Added by Stats. 2021, Ch. 116, Sec. 260. (AB 131) Effective July 23, 2021.)

10352. (a) The plan shall be submitted to the local planning council, as defined in subdivision (g) of Section 10480, for approval. Upon approval of the plan by the local planning council, the Board of Supervisors of the City and County of San Francisco shall hold at least one public hearing on the plan. Following the hearing, if the board of supervisors votes in favor of the plan, the plan shall be submitted to the department for review.

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

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

(d) The department may disapprove only those portions of the plan or modifications to the plan that are not in conformance with either this chapter or Chapter 18 (commencing with Section 10340) or that are in conflict with federal law.

(Added by Stats. 2021, Ch. 116, Sec. 260. (AB 131) Effective July 23, 2021.)

10353. (a) The City and County of San Francisco shall, at least once every three years, using the template developed by the department, prepare and submit to the Legislature and the department a report that summarizes the success of the city and county's plan, and the city and county's ability to maximize the use of funds and to improve and stabilize child care in the city and county.

(b) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(Added by Stats. 2021, Ch. 116, Sec. 260. (AB 131) Effective July 23, 2021.)

10354. Any modifications to the plan shall be submitted in conformance with the procedures established in Chapter 18 (commencing with Section 10340).

(Added by Stats. 2021, Ch. 116, Sec. 260. (AB 131) Effective July 23, 2021.)

10355. A participating contractor shall receive any increase or decrease in funding that the contractor would have received if the contractor had not participated in the local subsidy plan established by this chapter.

(Added by Stats. 2021, Ch. 116, Sec. 260. (AB 131) Effective July 23, 2021.)

10356. Commencing on the effective date of the act that added this section, the components of the plan relating to preschool shall be overseen by the State Department of Education and the components of the plan addressing all other child care programs shall be overseen by the department.

(Added by Stats. 2021, Ch. 116, Sec. 260. (AB 131) Effective July 23, 2021.)