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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 20. Individualized County of San Mateo Child Care Subsidy Plan [10360 - 10366] (*Chapter 20 added by Stats. 2021, Ch. 116, Sec. 260.*)

10360. On and after July 1, 2014, the individualized county child care subsidy plan for the County of San Mateo that was developed as a pilot project pursuant to Article 15.3 (commencing with Section 8340) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, as that article read on January 1, 2013, may continue in existence and may be implemented in accordance with the provisions of this chapter. The plan shall ensure that child care subsidies received by the County of San Mateo are used to address local needs, conditions, and priorities of working families in those communities.

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

10361. For purposes of this chapter, "county" means the County of San Mateo.

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

10362. For purposes of this chapter, "plan" means an individualized county child care subsidy plan developed and approved as described in Section 10360, which includes all of the following:

(a) An assessment to identify the 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 county and whether the 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 county from meeting its child care goals. In conducting the assessment, the 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 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) (1) Development of a local policy to eliminate state-imposed regulatory barriers to the county's achievement of its desired outcomes for subsidized child care.

(2) 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 county's plan.

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

(ii) The department shall approve an application to amend an existing contract if the plan is modified pursuant to Section 10363.

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

(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 county are eligible to be included in the county's plan.

(d) Establishment of measurable outcomes to evaluate the success of the plan to achieve the county's child care goals, and to overcome any barriers identified in the state's child care subsidy system.

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

(f) Nothing in this section shall allow the 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.)

10363. (a) Except as provided in this section, any modifications to the plan shall be submitted in accordance with the modification procedures described in Chapter 18 (commencing with Section 10340).

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

(c) The department may disapprove only those portions of 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.)

10364. (a) The county 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 county's plan, and the county's ability to maximize the use of funds and to improve and stabilize child care in the 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.)

10365. 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 plan.

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

10366. 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.)