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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 14. Child Care and Development Infrastructure and Workforce Development [10310.1 - 10311] (*Chapter 14 added by Stats. 2021, Ch. 116, Sec. 260.*)

10310.1. (a) The department shall administer the Child Care and Development Infrastructure Grant Program to expand access to child care and development and preschool opportunities for children up to five years of age by providing resources to build new facilities or retrofit, renovate, repair, or expand existing facilities as provided in this section.

(b) (1) The department shall award infrastructure grants on a competitive basis to either of the following:

(A) Child care and development and preschool providers that are not local educational agencies and that are one or more of the following:

(i) A child care center or family child care home serving children through an alternative payment program pursuant to Chapter 3 (commencing with Section 10225).

(ii) A migrant child care and development program serving children pursuant to Chapter 6 (commencing with Section 10235).

(iii) A child care center or family child care home education network serving children through a California state preschool program pursuant to Article 2 (commencing with Section 8207) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code.

(iv) A child care center or family child care home serving children through a general childcare and development program pursuant to Chapter 7 (commencing with Section 10240).

(v) A family child care home education network serving children pursuant to Chapter 8 (commencing with Section 10250).

(vi) Child care and development services for children with special needs pursuant to Chapter 9 (commencing with Section 10260).

(vii) A child care center or family child care home serving children through a CalWORKs Stage 1, Stage 2, or Stage 3 program pursuant to Chapter 21 (commencing with Section 10370).

(viii) A child care center or family child care home serving children through the Emergency Child Care Bridge Program for Foster Children pursuant to Section 11461.6.

(B) Child care and development and preschool providers that are not local educational agencies and that meet two or more of the following:

(i) Have a demonstrated need for expanded access to subsidized child care and development and preschool programs as measured by the ratio of children in state and federally subsidized child care and development and preschool programs to eligible children in the applicant's service area.

(ii) Are located in low-income communities, as measured by the proportion of children that qualify for state or federal subsidies for child care and development and preschool programs.

(iii) Plan to use grant funding to serve children that qualify for state or federal subsidies for child care and development and preschool programs.

(iv) Serve children from birth to five years of age, inclusive, with exceptional needs in inclusive environments.

(v) Wish to recover lost capacity as a result of a state or federally declared disaster.

(2) The department shall award infrastructure grants for any of the following purposes:

(A) Construction of new child care and development and preschool facilities to increase capacity or recover lost capacity as a result of a state or federally declared disaster.

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

(C) Renovation, repair, modernization, or retrofitting of existing facilities for use as child care and development and preschool facilities.

(D) Renovation, repair, modernization, or retrofitting of existing child care and development and preschool facilities to address needs related to the COVID-19 pandemic and other health and safety or licensure needs.

(c) The department shall award grants to applicants based upon criteria established by the department. The department shall release guidance to the public outlining the criteria for grant awards and the application process.

(d) The department shall give priority for grant funding to both of the following:

(1) Applicants with a demonstrated need for expanded access to subsidized child care and development and preschool programs, as measured by the ratio of children in subsidized child care and development and preschool programs to eligible children in the applicant's service area.

(2) Applicants who are currently serving subsidized children in programs described in subparagraph (A) of paragraph (1) of subdivision (b) and who are not eligible for federal funding for these purposes.

(e) Infrastructure grants may be used for any of the following:

(1) One-time infrastructure costs, including, but not limited to, universal design facility renovations, retrofitting to meet licensing requirements, the cost of design, engineering, testing, inspections, plan checking, construction management, site acquisition and development, evaluation and response action costs relating to removal of hazardous substances at a new or existing site, demolition, construction, landscaping, or other related costs as determined by the department.

(2) Facility maintenance and improvements, including, but not limited to, maintenance and minor renovations to address concerns related to the COVID-19 pandemic such as nonstructural changes to create space for social distancing, minor remodeling and upgrading of facilities to meet licensing requirements or health and safety standards, or other related costs as determined by the department.

(f) The department shall determine the appropriate grant amount for each grantee, based upon factors that include, but are not limited to, the scope of the project, regional costs, the use of universal design to provide inclusive environments, the need to meet licensing requirements or health and safety standards, and the proportion of children receiving subsidies to be served.

(g) The department shall establish the terms and conditions associated with accepting the infrastructure grant funds awarded pursuant to this section.

(h) The grant program shall offer technical assistance to potential applicants before being awarded a grant, including, but not limited to, project development support and financial expertise, including assistance with coordinating financing from multiple sources.

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

(j) The department, with the concurrence of the Department of Finance, may establish 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. The department, at its discretion, may set aside a percentage of the amounts appropriated for the program to contract with one or more community development financial intermediaries, state financial entities, or other community-based organizations for these purposes.

(k) For purposes of this section, "state or federally declared disaster" means counties where child care and development and preschool providers are operating subject to a Presidential declaration of an emergency or major disaster, pursuant to the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.), or a Governor's Proclamation, on behalf of the impacted local government, as authorized by the powers authorized by the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code).

(l) A grantee that receives funds under this section shall supplement, and not supplant, federal, state, and local public funds expended for these purposes.

(m) Notwithstanding subdivision (g) and 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 this section by means of all-county letters or similar instructions.

(n) This section shall take effect only to the extent that funds are appropriated for this program by the Legislature.

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

10311. (a) The Superintendent of Public Instruction shall, subject to an appropriation for this purpose in the annual Budget Act, administer the Early Learning and Care Workforce Development Grants Program to expand the number of qualified early learning and care professionals and increase the educational credentials of existing early learning and care professionals across the state, pursuant to this section.

(b) The Superintendent of Public Instruction shall, subject to an appropriation for this purpose in the annual Budget Act, award and administer the workforce development grants to local, regional, or local and regional quality improvement partnerships, as defined by the Superintendent of Public Instruction, consistent with the Quality Rating and Improvement System local consortia, as defined in Section 8203.1 of the Education Code, representing all counties of the state. A local, regional, or local and regional quality improvement partnership may form a consortia with one or more regional partners. All local, regional, or local and regional quality improvement partnerships shall submit a plan to the State Department of Education that describes how they will allocate funds and increase the number, qualifications, and competencies of early learning and care professionals in their county or region. The plan shall also describe how local 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 early learning and care professionals in their county or region, including those working in centers, family child care homes, and license-exempt settings that serve a majority of children who receive subsidized early learning and care services or are eligible to received subsidized early learning and care services, pursuant to this part.

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

(1) Demonstrated need for early learning and care 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.

(d) Workforce development grants may be used for costs associated with the educational expenses of current and future early learning and care professionals that move those professionals along the early learning and care career lattice and support their attainment of increased education or English language proficiency, as well as professional development in early childhood instruction or child development, including developing competencies in serving children with exceptional needs and dual language learners. Allowable uses of funds include:

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

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

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

(4) Stipends and professional development expenses, aligned to the Quality Counts California professional development system in that area, as determined by the Superintendent of Public Instruction.

(5) Career, course, and professional development coaching, counseling, and navigation services.

(6) Other educational expenses as determined by the Superintendent of Public Instruction.

(e) Local, regional, or local and regional quality improvement 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.

(f) The Superintendent of Public Instruction 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.

(g) Local, regional, or local and regional quality improvement partnerships receiving grants shall commit to providing program data to the State Department of Education, as specified by the Superintendent of Public Instruction, including, but not limited to, recipient information, educational progress, and employment status, and participate in overall program evaluation.

(h) The Superintendent of Public Instruction shall provide a report to the Governor as well as the appropriate policy and fiscal committees of the Legislature by October 1 of any year in which grants are awarded pursuant to this section on the expenditure of funds as well as relevant outcome data in order to evaluate the impact of the program.

(i) Notwithstanding any other provision of this section, the Superintendent of Public Instruction, with the concurrence of the executive director of the State Board of Education, shall recommend to the Department of Finance and the budget committees of the Legislature by January 1, 2021, any changes to the funding methodology in this section related to the recommendations and priorities provided pursuant to former Section 8207 of the Education Code.

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