AB-82 COVID-19 pandemic emergency: contact tracing: childcare. (2021-2022)

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Assembly Bill No. 82

CHAPTER 6

An act to amend Section 111 of Chapter 24 of the Statutes of 2020, and to repeal Section 61 of Chapter 110 of the Statutes of 2020, relating to the COVID-19 pandemic emergency, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor February 23, 2021. Filed with Secretary of State February 23, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 82, Ting. COVID-19 pandemic emergency: contact tracing: childcare.

(1) The Child Care and Development Services Act establishes a system of childcare and development services for children up to 13 years of age. Commencing July 1, 2021, existing law transfers specified childcare programs, responsibilities, services, and systems from the State Department of Education and the Superintendent of Public Instruction to the State Department of Social Services.

Existing law provides that the Legislature finds and declares that the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136) Child Care and Development Block Grant supplemental payment awarded funds to California to address the impact of the COVID-19 pandemic on childcare providers and the families they serve, including to prevent, prepare for, and respond to the pandemic emergency, to provide assistance to childcare providers in the case of decreased enrollment or closures, and to provide childcare assistance to essential workers during the response to the pandemic. Existing law provides that it is the intent of the Legislature to allocate funds to restore amounts either directly or through reimbursement for obligations incurred relating to childcare and the pandemic. Existing law requires the Controller to transfer, on July 1, 2020, $152,314,000 from the Federal Trust Fund, and consistent with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Child Care and Development Block Grant supplemental payment requirements, to the General Fund to offset the state costs incurred in the 2019–20 fiscal year. For the 2020–2021 fiscal year, existing law appropriates $198,000,000 from the Federal Trust Fund to the Superintendent of Public Instruction for COVID-19 pandemic-related relief and assistance for childcare providers, the families those childcare providers serve, and essential workers, as prescribed.

This bill would instead require $42,014,000 to be transferred on July 1, 2020, and would instead appropriate $308,000,000 for the 2020–2021 fiscal year thereby making an appropriation. Of the funds appropriated for the 2020–2021 fiscal year, the bill would allocate $30,000,000 to the State Department of Education to reimburse contractors for the cost of waived family fees for families not receiving in-person services from September 1, 2020, to June 30, 2021, inclusive, and would allocate $80,000,000 to the State Department of Education to reimburse contractors pursuant to prioritized factors, including to support costs associated with increased childcare service hours for ongoing enrollments due to school closures.

(2) Existing law expresses the intent of the Legislature to prepare for the effective use of childcare funds available from the federal government during the COVID-19 pandemic and recovery period in order to support the essential workforce through necessary, high-quality childcare, support healthy child development during this historic time, and ensure the stability of California's childcare system. Contingent on the receipt of federal funds that may be used for these purposes during the 2020–21 fiscal year, existing law requires the State Department of Education to prioritize childcare-related funding, as prescribed, including up to $35,000,000 to support alternative payment programs, including migrant alternative payment programs, to reimburse providers for providing short-term childcare to eligible children when a provider is closed. Existing law authorizes the State Department of Education to transfer specified program expenditure authority between schedules to accurately reflect expenditures in the program schedules, upon the approval of the Department of Finance, and authorizes the Department of Finance, at its discretion, to approve a transfer of program expenditure authority to the extent total allocations do not exceed a specified total amount. Upon approval from the Department of Finance, existing law requires the Superintendent of Public Instruction to notify the chairs of the relevant policy committees and budget subcommittees of the Legislature of the Superintendent of Public Instruction's intent to transfer program expenditure authority between programs.

This bill would repeal these provisions, would instead appropriate the sum of $402,000,000 in specified federal funding to provide subsidized childcare and preschool providers with COVID-19 pandemic-related assistance, and would allocate the money, as specified, including allocating $244,000,000 to provide a flat-rate one-time stipend amount of $525 per child enrolled in a subsidized childcare or a state preschool program, as prescribed. Among other allocations, the bill would allocate $80,000,000 to provide additional emergency vouchers for specified children, including the children of essential workers, through June 30, 2022. The bill would make a state-subsidized childcare provider operating or serving alternative payment programs eligible for an additional 16 paid nonoperational days when the provider is closed due to the COVID-19 pandemic emergency. The bill would require specified entities, including alternative payments programs, to track the usage of paid nonoperational days and associated costs due to the COVID-19 pandemic emergency and short-term childcare to eligible children, and to report monthly on usage to the State Department of Education and the State Department of Social Services. The bill would require the State Department of Education to issue guidance related to the additional 16 nonoperational days for COVID-19-related closures to family childcare home education network programs. The bill would make related findings and declarations.

(3) Existing law requires the Department of Human Resources to provide to the Joint Legislative Budget Committee any side letter, appendix, or other addendum to a properly ratified memorandum of understanding that requires the expenditure of $250,000 or more related to salary and benefits and that is not already contained in the original memorandum of understanding or the Budget Act. Existing law requires the Joint Legislative Budget Committee, within 30 days after receiving the side letter, appendix, or other addendum, to determine if the addendum presents substantial additions that are not reasonably within the parameters of the original memorandum of understanding and thereby requires legislative action to ratify the addendum.

Existing law provisions of the Budget Act of 2020 provide an exception to the above-described provisions and, instead, makes implementation of an addendum that results in any expenditure of funds contingent upon legislative action to ratify the addendum if the agreement results in total net costs greater than $1,000,000 during the 2020–21 fiscal year. Existing law provisions of the Budget Act of 2020 relating to augmentation for employee compensation from the General Fund, unallocated special funds, or unallocated nongovernmental cost funds also make implementation of an addendum that requires those funds contingent upon legislative approval.

This bill would approve the addendum to the memorandum of understanding entered into between the state employer and State Bargaining Unit 1, Professional, Administrative, Financial, and Staff Services, State Bargaining Unit 3, Professional Educators and Librarians, State Bargaining Unit 4, Office and Allied, State Bargaining Unit 11, Engineering and Scientific Technicians, State Bargaining Unit 14, Printing and Allied Trades, State Bargaining Unit 15, Allied Services, State Bargaining Unit 17, Registered Nurses, State Bargaining Unit 20, Medical and Social Services, and State Bargaining Unit 21, Educational Consultants and Library, regarding employees that have been assigned to assist with COVID-19 contact tracing, and would appropriate for this purpose $1,793,000 previously appropriated in the Budget Act of 2020 for other purposes related to state employee compensation, as specified.

(4) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 111 of Chapter 24 of the Statutes of 2020, as amended by Section 60 of Chapter 110 of the Statutes of 2020, is amended to read:

Sec. 111. (a) The Legislature finds and declares all of the following:

(1) The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136) Child Care and Development Block Grant supplemental payment awarded three hundred fifty million three hundred fourteen thousand dollars ($350,314,000) to California to address the impact of the COVID-19 pandemic on childcare providers and the families they serve. These funds were awarded to prevent, prepare for, and respond to the COVID-19 pandemic emergency, to provide assistance to childcare providers in the case of decreased enrollment or closures, and to provide childcare assistance to essential workers during the response to the COVID-19 pandemic.

(2) In response to the COVID-19 pandemic, the state appropriated the sum of one hundred fifty-two million three hundred fourteen thousand dollars ($152,314,000) from the General Fund to childcare providers for COVID-19 pandemic-related assistance between March 4, 2020, and August 28, 2020, inclusive, as follows:

(A) Fifty million dollars ($50,000,000) was allocated to non-local educational agency childcare providers, which remained open or intend to reopen during the COVID-19 pandemic emergency, for health, safety, and cleaning supplies related to federal, state, and local COVID-19 pandemic emergency public health and safety guidance, pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020).

(B) Fifty million dollars ($50,000,000) was allocated to existing state-subsidized childcare providers to support additional access to early learning and care for essential workers, at-risk children, and children with disabilities or special health care needs whose individualized education programs or individualized family service plans include early learning and care services, pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020), for a minimum of 60 days of care for each eligible worker and at-risk child.

(C) Forty-one million three hundred fourteen thousand dollars ($41,314,000) was allocated for the estimated cost of provider closures, waived family fees, and other assistance, consistent with Executive Order No. N–66–20.

(D) Three million dollars ($3,000,000) was allocated to CalWORKs Stage 1 childcare for the estimated cost of waived family fees, consistent with Executive Order No. N–66–20.

(E) Six million dollars ($6,000,000) was allocated for the estimated costs of extending the family fee waivers through June 30, 2020, consistent with Executive Order No. N–66–20.

(F) Two million dollars ($2,000,000) was allocated to CalWORKs Stage 1 childcare for the estimated costs of extending the family fee waivers through June 30, 2020, consistent with Executive Order No. N–66-20.

(b) It is therefore the intent of the Legislature, consistent with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Child Care and Development Block Grant supplemental payment requirements, which allow states to restore amounts either directly or through reimbursement for obligations incurred to prevent, prepare for, and respond to the COVID-19 pandemic before enactment of the CARES Act, to allocate forty two million fourteen thousand dollars ($42,014,000) of the CARES Act Child Care and Development Block Grant supplemental payment to fund reimbursement of the General Fund for the costs described in paragraph (2) of subdivision (a).

(c) On July 1, 2020, the Controller shall transfer the sum of forty two million fourteen thousand dollars ($42,014,000) from the Federal Trust Fund, consistent with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Child Care and Development Block Grant supplemental payment requirements, to the General Fund to offset the state costs incurred in the 2019–20 fiscal year described in subdivision (b).

(d) For the 2020–21 fiscal year, the sum of three hundred eight million dollars ($308,000,000) is hereby appropriated from the Federal Trust Fund, consistent with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Child Care and Development Block Grant supplemental payment requirements, to the Superintendent of Public Instruction for COVID-19 pandemic-related relief and assistance for childcare providers, the families those childcare providers serve, and essential workers, as follows:

(1) Of the funds appropriated pursuant to this subdivision, one hundred twenty-five million dollars ($125,000,000) shall be allocated to state-subsidized childcare providers, including centers, family childcare

homes, and license-exempt providers, serving children through an alternative payment program pursuant to Article 3 (commencing with Section 8220) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code and migrant childcare and development programs pursuant to Article 6 (commencing with Section 8230) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, or through a CalWORKs Stage 1, Stage 2, or Stage 3 program, for financial assistance to address any hardships incurred as a result of various economic factors, such as decreased enrollment, increased teacher-to-child ratios, and other increased costs, to ensure that childcare providers maintain high-quality care, access, and safety for workers and families in their childcare programs. These funds shall be allocated as follows:

(A) (i) Of the funds allocated for purposes of this paragraph, sixty-two million five hundred thousand dollars ($62,500,000) shall be allocated to support alternative payment programs, including migrant alternative payment programs, to reimburse providers described in paragraph (1) through June 30, 2021, or until this funding is exhausted, whichever is sooner. Notwithstanding subdivision (d) of Section 8221.5 of the Education Code, reimbursement for childcare providers, including license-exempt providers, shall be based on families' certified need, regardless of attendance.

(ii) For families certified for a variable schedule, providers shall be reimbursed based on the maximum authorized hours of care.

(iii) For license-exempt providers that provide part-time services, providers shall be reimbursed based on the maximum authorized hours of care.

(B) Of the funds allocated for purposes of this paragraph, up to thirty-one million two hundred fifty thousand dollars ($31,250,000) shall be allocated to support alternative payment programs, including migrant alternative payment programs, to reimburse providers described in paragraph (1) with a one-time stipend as follows:

(i) The State Department of Education, in consultation with the State Department of Social Services, shall determine a flat-rate stipend amount for all childcare providers based on the number of subsidized children enrolled and the average cost of care.

(ii) The Superintendent of Public Instruction shall allocate stipends to alternative payment programs for distribution to childcare providers according to a schedule to be provided by the Superintendent of Public Instruction and approved by the Department of Finance. The State Department of Education may designate another agency to distribute these funds to childcare providers if the alternative payment program in the area is determined by the State Department of Education to be unable to allocate the funds.

(iii) The administration fee charged by an alternative payment program distributing the stipends to childcare providers shall not exceed 5 percent.

(C) (i) A state-subsidized childcare provider, as described in this paragraph, is eligible for up to 14 paid nonoperational days, in addition to the current nonoperational days allowable by paragraph (2) of subdivision (b) of Section 18076.2 of Title 5 of the California Code of Regulations, between September 1, 2020, and June 30, 2021, when the provider is closed due to the COVID-19 pandemic emergency.

(ii) Of the funds allocated for purposes of this paragraph, up to thirty-one million two hundred fifty thousand dollars (31,250,000) shall be allocated to support alternative payment programs, including migrant alternative payment programs, to reimburse state-subsidized childcare providers for providing short-term childcare to eligible children when a provider is closed as described in clause (i). Reimbursements shall be made to providers until funds are exhausted.

(iii) An alternative payment program, including a migrant alternative payment program, shall track the usage of paid nonoperational days and associated costs due to the COVID-19 pandemic emergency and short-term childcare to eligible children, pursuant to this section, and report monthly on usage to the State Department of Education and the State Department of Social Services. The use of nonoperational days and associated costs reported to the State Department of Education shall be used to determine reimbursements as described in clause (ii).

(D) (i) Notwithstanding Section 8273 of the Education Code and any accompanying regulations, family fee waivers are extended through August 31, 2020.

(ii) Family fees that have already been collected for the months of July 2020 and August 2020 shall be refunded to the family or credited to a future month pursuant to guidance from the Superintendent of Public Instruction and the State Department of Social Services.

(iii) Those families who were disenrolled, voluntarily or involuntarily, due to family fees in the month of July 2020 or August 2020 may be reenrolled without the need for any additional eligibility documentation, subject to guidance from the Superintendent of Public Instruction and the State Department of Social Services.

(iv) From September 1, 2020, to June 30, 2021, inclusive, family fees applicable for programs administered by the State Department of Education are waived only for families described in Section 8273.1 of the Education Code and families where all children in the family enrolled in subsidized early learning and care remain at home, either for distance learning or for families sheltering in place, subject to guidance from the Superintendent of Public Instruction and the State Department of Social Services.

(v) To the extent that additional federal funds are not provided, as specified in Section 61 of the act adding this subparagraph, the cost of waiving the fees pursuant to clause (iv) shall be absorbed by the respective direct service contractors, family childcare home providers participating in a family childcare home education network, and alternative payment program providers.

(E) Once the funding from the allocations in subparagraphs (A), (B), and (C) necessary for CalWORKs Stage 1 providers, pursuant to Section 8351 of the Education Code, has been identified, a budget revision shall be submitted by the State Department of Education to the Controller to move the appropriate funding amounts identified for CalWORKs Stage 1 providers to the State Department of Social Services for allocation.

(2) Of the funds appropriated pursuant to this subdivision, seventy-three million dollars ($73,000,000) shall be allocated by the State Department of Education to existing state-subsidized alternative payment programs, including, but not limited to, alternative payment programs for migrant childcare and development programs pursuant to Article 6 (commencing with Section 8230) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, to extend childcare services for essential workers, at-risk children, and children with disabilities or special health care needs whose individualized education programs or individualized family service plans include early learning and care services who accessed childcare services pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020) and who were not able to get ongoing childcare services through the additional funds provided in Schedule (3) and described in Provision (7) of Item 6100-194-0890 of Section 2.00 of the Budget Act of 2020.

(A) The funds allocated pursuant to this paragraph shall be used to provide childcare services for 90 days in addition to the days specified in Executive Order No. N–66–20.

(B) Notwithstanding any other law, if essential workers, at-risk children, and children with disabilities or special health care needs whose individualized education programs or individualized family service plans include early learning and care services who accessed childcare services pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020) were disenrolled, they may be reenrolled pursuant to this paragraph before July 15, 2020, without needing to provide eligibility documentation.

(C) An alternative payment program shall, to the extent possible, work directly with a family that receives childcare services funded pursuant to this paragraph and the local resource and referral agency to assist the family in accessing ongoing subsidized or nonsubsidized childcare services that meets the family’s needs.

(D) If an alternative payment program projects that it will have unspent funds after childcare services are provided pursuant to subparagraph (A), the alternative payment program may extend childcare services beyond 90 days for the enrolled families, until funds are exhausted.

(E) Of the funds appropriated pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020) to extend childcare services for essential workers, at-risk children, and children with disabilities or special health care needs whose individualized education programs or individualized family service plans include early learning and care services, any funds not encumbered before July 1, 2020, shall be used for purposes of this section.

(3) Of the funds appropriated pursuant to this subdivision, thirty million dollars ($30,000,000) shall be allocated by the State Department of Education to reimburse contractors for the cost of waived family fees for families not receiving in-person services from September 1, 2020, to June 30, 2021.

(4) Of the funds appropriated pursuant to this subdivision, eighty million dollars ($80,000,000) shall be allocated by the State Department of Education to reimburse contractors. Funding shall be prioritized in the following order:

(A) To support costs associated with increased childcare service hours for ongoing enrollments due to school closures.

(B) To extend services for families enrolled in emergency childcare.

(e) Notwithstanding Section 26.00 of the Budget Act of 2020, the State Department of Education may transfer program expenditure authority provided in paragraph (1) of subdivision (d) between schedules to accurately reflect expenditures in the program schedules, upon the approval of the Department of Finance. The Department of Finance may, at its discretion, approve such a transfer of program expenditure authority to the extent total allocations do not exceed the total amount appropriated pursuant to paragraph (1) of subdivision (d). Upon approval from the Department of Finance, the Superintendent of Public Instruction shall notify the chairs of the relevant policy committees and budget subcommittees of the Legislature of its intent to transfer program expenditure authority between programs.

(f) Notwithstanding the priorities for services pursuant to Section 8263 of the Education Code, all children who meet the need and eligibility requirements of Sections 8263 and 8263.1 of the Education Code enrolled in childcare pursuant to Executive Order No. N–45–20, N–47–20, or N–66–20 shall be first priority for enrollment in alternative payment programs with available capacity, subject to guidance from the Superintendent of Public Instruction.

(g) For purposes of this section, "essential worker" has the same meaning as "essential critical infrastructure worker" pursuant to Executive Order No. N–45–20.

SEC. 2. Section 61 of Chapter 110 of the Statutes of 2020 is repealed.

SEC. 3. (a) The Legislature hereby finds and declares the federal Consolidated Appropriations Act, 2021 and Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act of 2021 (Public Law 116-260) awarded the state nine hundred sixty-four million three hundred twenty-four thousand four hundred eighty-three dollars ($964,324,483) in supplemental Child Care and Development Fund program funding to address the needs of childcare providers, including state preschool programs, and families resulting from the coronavirus disease 2019 (COVID-19) pandemic.

(b) In response to the COVID-19 pandemic, the Legislature hereby appropriates the sum of four hundred two million dollars ($402,000,000) in CRRSA funding to provide subsidized childcare and preschool providers with COVID-19 pandemic-related assistance.

(c) Of the four hundred two million dollars ($402,000,000) in CRRSA funding, the Legislature hereby allocates the funding as follows:

(1) Two hundred forty-four million dollars ($244,000,000) shall be allocated to provide a flat-rate one-time stipend amount of five hundred twenty-five dollars ($525) per child enrolled in a subsidized childcare or a state preschool program pursuant to subparagraph (A). The state shall provide the flat-rate one-time stipend amount for all childcare providers and state preschool programs serving children pursuant to this paragraph based on the number of subsidized children enrolled. This flat-rate one-time stipend shall be issued based on program data for November 2020 enrollment. A stipend may be used to support subsidized childcare providers and state preschool programs with COVID-19 pandemic relief, and, in the case of decreased enrollment or closures, to ensure that childcare providers and state preschool programs are able to remain open or reopen.

(A) The flat-rate one-time stipend shall be payable to subsidized childcare providers and state preschool programs operating or serving programs pursuant to Article 3 (commencing with Section 8220) of, Article 6 (commencing with Section 8230) of, Article 7 (commencing with Section 8235), Article 8 (commencing with Section 8240) of, Article 8.5 (commencing with Section 8245) of, Article 9 (commencing with Section 8250) of, or Article 15.5 (commencing with Section 8350) of, Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, as these provisions read on February 3, 2021.

(B) Of the two hundred forty-four million dollars ($244,000,000), up to sixteen million dollars ($16,000,000) shall be allocated to the State Department of Social Services to provide a flat-rate one-time stipend amount of five hundred twenty-five ($525) per each child enrolled in the California Work Opportunities and Responsibility to Kids (CalWORKs) Stage 1 program pursuant to Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, as these provisions read on February 3, 2021. If additional funding is needed based on program data for November 2020 enrollment, a budget revision shall be submitted by the State Department of Education and the State Department of Social Services to the Controller to shift the appropriate funding amounts identified for CalWORKs Stage 1 providers to or from the State Department of Social Services for distribution.

(C) In addition to the flat-rate one-time stipend amount of five hundred twenty-five dollars ($525) per child enrolled, the Superintendent of Public Instruction and the State Department of Social Services shall provide alternative payment and direct contract programs with a 5 percent administrative fee for distributing stipends to these providers.

(D) The Superintendent of Public Instruction and the State Department of Social Services shall allocate stipends for distribution to childcare providers and the state preschool programs.

(E) The State Department of Education and the State Department of Social Services shall exchange any essential data necessary to issue stipend payments to childcare providers.

(F) The state may designate another agency or agencies to distribute these funds to childcare providers. Contracts or grants awarded pursuant to this section shall be exempt from the personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code. Contracts or grants awarded pursuant to this section shall be exempt from the Public Contract Code and the State Contracting Manual, and shall not be subject to the approval of the Department of General Services.

(G) The funding described under this paragraph is subject to the federal usage limitations and federal and state program eligibility requirements.

(2) (A) Seventy-six million dollars ($76,000,000) in CRRSA funding shall be allocated to existing state-subsidized alternative payment programs, including, but not limited to, alternative payment programs for migrant childcare and development programs pursuant to Article 6 (commencing with Section 8230) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, to extend childcare services for essential workers, at-risk children, and children with disabilities or special health care needs whose individualized education programs or individualized family service plans include early learning and care services and who accessed childcare services pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020) and were unable to get ongoing childcare services through the additional funds provided in Schedule (3), and described in Provision (7), of Item 6100-194-0890 of Section 2.00 of the Budget Act of 2020, through June 30, 2022, inclusive.

(B) If an alternative payment program projects that it may have unspent funds after childcare services are provided pursuant to paragraph (1), the alternative payment program may utilize the funds to enroll additional children in emergency childcare pursuant to paragraph (3).

(3) (A) Eighty million dollars ($80,000,000) in CRRSA funding shall be allocated to provide additional emergency vouchers for children of essential workers, at-risk children, and children with disabilities or special health care needs whose individualized education plan or individualized family service plans include early learning and care and who are eligible for services under Chapter 2 (commencing with Section 8200) of Part 6 of Division 1 of Title 1 of the Education Code, through June 30, 2022, inclusive.

(i) Funding shall be divided between the California Alternative Payment Program pursuant to Article 3 (commencing with Section 8220) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code and the Migrant Alternative Payment Program, pursuant to Article 6 (commencing with Section 8230) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, based on the ratio of the Migrant Alternative Payment Program contract amounts to the sum of the California Alternative Payment Program contracts and Migrant Alternative Payment Program contracts.

(ii) Funding for alternative payment programs pursuant to Article 3 (commencing with Section 8220) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code shall be distributed as a percent of the total based on allocated funds pursuant to Section 2 of Senate Bill 89 (Chapter 2 of the Statutes of 2020).

(B) Guidance for enrolling additional children shall be as similar as possible to the guidance issued for children receiving services pursuant to Section 2 of Senate Bill 89 (Chapter 2 of the Statutes of 2020).

(4) One million seven hundred fifty thousand dollars ($1,750,000) in CRRSA funding shall be allocated to the State Department of Education for administrative costs.

(5) Two hundred fifty thousand dollars ($250,000) in CRRSA funding shall be allocated to the State Department of Social Services for administrative costs.

(d) (1) A state-subsidized childcare provider operating or serving alternative payment programs pursuant to Article 3 (commencing with Section 8220) of, Article 6 (commencing with Section 8230) of, Article 8.5 (commencing with Section 8245) of, or Article 15.5 (commencing with Section 8350) of, Chapter 2 of Part 6 of

Division 1 of Title 1 of the Education Code, as these provisions read on February 3, 2021, shall be eligible for an additional 16 paid nonoperational days when the provider is closed due to the COVID-19 pandemic emergency.

(2) These 16 paid nonoperational days shall be in addition to the current 14 paid nonoperational days for COVID-19 pandemic-related closures allowable pursuant to clause (i) of subparagraph (C) of paragraph (1) of subdivision (d) of Section 60 of Senate Bill 820 (Chapter 110 of the Statutes of 2020), and the current 10 paid nonoperational days allowable by paragraph (2) of subdivision (b) of Section 18076.2 of Title 5 of the California Code of Regulations, between September 1, 2020, and June 30, 2021.

(3) An alternative payment program, a migrant alternative payment program, a family childcare home education network, and a county welfare department administering a subsidized childcare program pursuant to paragraph (1) shall track the usage of paid nonoperational days and associated costs due to the COVID-19 pandemic emergency and short-term childcare to eligible children, pursuant to this subdivision, and report monthly on usage to the State Department of Education and the State Department of Social Services. The use of nonoperational days and associated costs reported to the State Department of Education shall be used to determine reimbursements, as described in this subdivision.

(4) The State Department of Education shall issue guidance to family childcare home education network programs operating pursuant to Article 8.5 (commencing with Section 8245) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, as these provisions read on February 3, 2021. This guidance shall direct family childcare home education network programs to use the additional 16 nonoperational days for COVID-19 related closures not reimbursed by subdivision (f) of Section 8209 of the Education Code.

(e) The funding described in this section shall be subject to federal usage limitations and federal and state program eligibility requirements.

(f) (1) The Legislature finds and declares that the purpose of paragraph (1) of subdivision (c) and paragraph (1) of subdivision (d), with the exception of the California state preschool program, is to approve an agreement entered into by the Governor and Child Care Providers United - California pursuant to Section 8435.5 of the Education Code.

(2) The provisions of the agreement prepared pursuant to Section 8435.5 of the Education Code and entered into by the Governor and Child Care Providers United - California, dated February 5, 2021, that require the expenditure of funds or legislative action to permit their implementation, are hereby approved by the Legislature for the purposes of subdivision (b) of Section 8435.5 of the Education Code.

(3) The provisions of the agreement approved in paragraph (2) that require the expenditure of funds shall not take effect unless funds for these provisions are specifically appropriated by the Legislature. If funds for these provisions are not specifically appropriated by the Legislature, either the Governor or Child Care Providers United - California may reopen negotiations on all or part of the agreement.

(g) For purposes of this section, the following definitions apply:

(1) “At-risk children” means children identified as any of the following:

(A) Those receiving child protective services.

(B) Those at risk of abuse, neglect, or exploitation.

(C) Those who are eligible through the Emergency Child Care Bridge Program for Foster Children as established pursuant to Section 11461.6 of the Welfare and Institutions Code.

(D) Those experiencing homelessness as defined in subdivision (ak) of Section 8208 of the Education Code.

(E) Domestic violence survivors.

(2) “Essential worker” has the same meaning as “essential critical infrastructure worker” pursuant to Executive Order No. N-45-20.

(3) “State” means the State Department of Education, the State Department of Social Services, and the Department of Finance.

SEC. 4. The Legislature finds and declares that one of the purposes of this act is to approve an addendum to a memorandum of understanding entered into by the state employer and State Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21, which requires the expenditure of funds, pursuant to the Budget Act of 2020 (Chapter 7 of the Statutes of 2020).

SEC. 5. (a) The addendum to the memoranda of understanding entered into by the state employer and State Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21, Service Employees International Union Local 1000 addendum (Contact Tracing), dated September 30, 2020, which requires the expenditure of funds, is hereby approved for the purposes of Provisions 4 and 8 of Item 9800-001-0001, Provisions 5 and 9 of Item 9800-001-0494, and Provisions 5 and 9 of Item 9800-001-0988 of Section 2.00 of the Budget Act of 2020 (Chapter 7 of the Statutes of 2020).

(b) Up to $1,793,000 of the sums appropriated for the purpose of state employee compensation as provided in Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of the Budget Act of 2020 may be used for expenditures related to State Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21 in the 2020–21 fiscal year for the purposes of state employee compensation pursuant to the addendum described in subdivision (a) in accordance with the following schedule:

(1) Eight hundred seventeen thousand dollars from the General Fund of Item 9800-001-0001.

(2) Six hundred fifty-four thousand dollars from Item 9800-001-0494.

(3) Three hundred twenty-two thousand dollars from Item 9800-001-0988.

SEC. 6. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.