

An act to amend, repeal, and add Section 12803 of, and to add Article 15 (commencing with Section 12839) to Chapter 1 of Part 2.5 of Division 3 of, the Government Code, relating to state government.

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

SECTION 1. Section 12803 of the Government Code, as added by Section 2 of Chapter 38 of the Statutes of 2019, is amended to read:

12803. (a) The California Health and Human Services Agency consists of the California Department of Aging, the Department of Community Services and Development, the State Department of Developmental Services, the State Department of Health Care Services, the Department of Managed Health Care, the State Department of Public Health, the Department of Rehabilitation, the State Department of Social Services, the State Department of State Hospitals, and the Department of Youth and Community Restoration.

(b) The agency also includes the Emergency Medical Services Authority, the Office of Health Information Integrity, the Office of Patient Advocate, the Office of Statewide Health Planning and Development, the Office of Systems Integration, the Office of Law Enforcement Support, the Office of the Surgeon General, and the State Council on Developmental Disabilities.

(c) The agency also includes the Department of Child Support Services, which is the single organizational unit designated as the state's Title IV-D agency with the responsibility for administering the state plan and providing services relating to the establishment of paternity or the establishment, modification, or enforcement of child support obligations as required by Section 654 of Title 42 of the United States Code. State plan functions shall be performed by other agencies as required by law, by delegation of the department, or by cooperative agreements.

(d) This section shall become operative July 1, 2020.

(e) This section shall become inoperative on July 1, 2021, and, as of January 1, 2022, is repealed.

SEC. 2. Section 12803 is added to the Government Code, to read:

12803. (a) The California Health and Human Services Agency consists of the California Department of Aging, the Department of Community Services and Development, the State Department of Developmental Services, the State Department of Health Care Services, the Department of Managed Health Care, the State Department of Public Health, the Department of Rehabilitation, the State Department of Social Services, the State Department of State Hospitals, the Department of Youth and Community Restoration, and the Department of Early Childhood Development.

(b) The agency also includes the Emergency Medical Services Authority, the Office of Health Information Integrity, the Office of Patient Advocate, the Office of Statewide Health Planning and Development, the Office of Systems Integration, the Office of Law Enforcement Support, the Office of the Surgeon General, and the State Council on Developmental Disabilities.

(c) The agency also includes the Department of Child Support Services, which is the single organizational unit designated as the state's Title IV-D agency with the responsibility for administering the state plan and providing services relating to the establishment of paternity or the establishment, modification, or enforcement of child support obligations as required by Section 654 of Title 42 of the United States Code. State plan functions shall be performed by other agencies as required by law, by delegation of the department, or by cooperative agreements.

(d) This section shall become operative July 1, 2021.



SEC. 3. Article 15 (commencing with Section 12839) is added to Chapter 1 of Part 2.5 of Division 3 of Title 2 of the Government Code, to read:

Article 15. Department of Early Childhood Development

12839. (a) The Legislature finds and declares all of the following:

(1) The lack of a coordinated state early childhood system makes it difficult for families, early childhood-serving agencies, and the early childhood workforce to navigate and access programs and services.

(2) Currently, the state's mixed delivery system providing early learning and care services is fragmented with different systems of implementation across multiple departments with varying goals, oversight, standards, and reporting requirements.

(3) Both the 2019 California Assembly Blue Ribbon Commission on Early Childhood Education's Final Report and the Preschool Development Grant Strategic Plan detailed complexities in how the state administers and funds early learning and care in California.

(4) The California Health and Human Services Agency oversees more than a dozen departments that are responsible for the support, care, and education of young children and their families. The California Health and Human Services Agency is also the lead agency for the development of the Master Plan for Early Learning and Care and the establishment and administration of the Early Childhood Policy Council, both of which were funded in the 2019 Budget Act.

(b) It is the intent of the Legislature to establish the Department of Early Childhood Development within the California Health and Human Services Agency to improve service delivery for young children, families, and providers, reduce administrative duplication and create greater efficiencies, and expand access to services for children and families.

(c) It is the intent of the Legislature to ensure streamlined monitoring processes and data system operations between the Department of Early Childhood Development, the State Department of Education, and other departments within the California Health and Human Services Agency.

(d) The purpose of the new Department of Early Childhood Development will be to strengthen early childhood systems integration in order to improve access to quality early learning and care programs and services for California's young children and their families by doing all of the following:

(1) Ensuring connections between childcare programs administered by the Department of Early Childhood Development and programs which continue to be administered by the State Department of Education, including the state preschool program, as defined in Section 8235 of the Education Code, and transitional kindergarten, as defined in Section 48000 of the Education Code.

(2) Simplifying the administration of the state's childcare and development programs, thereby freeing up capacity to meet new demands for system improvements, which will align early childhood- and family-serving systems.

(3) Facilitating improved interagency collaboration with health and social services programs to more fully support family needs and support improved eligibility processes across them.



(4) Improving existing early childhood development management data systems and developing new data systems as necessary to support data needs in the Department of Early Childhood Development with strong connections to the State Department of Education.

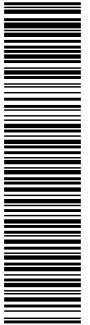
(5) Expediting the inclusion of childcare and development programs in the California Health and Human Service Agency's larger data integration efforts, developing aligned outcomes and measures across programs, and leveraging data to improve program quality and child outcomes.

(6) Strengthening a comprehensive strategy on prevention and early intervention services.

(7) Prioritizing access to affordable, high-quality child development programs thereby improving parental choice and equity for the children who are eligible for those programs.

12839.1. (a) It is the intent of the Legislature to transfer the programs and activities listed below to the Department of Early Childhood Development from the agencies listed:

- (1) From the California Health and Human Services Agency:
 - (A) The Master Plan for Early Learning and Care.
 - (B) The Early Childhood Policy Council.
- (2) From the State Department of Social Services:
 - (A) The Emergency Child Care Bridge Program for Foster Children.
 - (B) CalWORKs stage one childcare.
- (3) From the State Department of Education:
 - (A) The Alternative Payment Program.
 - (B) The Migrant Alternative Payment Program.
 - (C) CalWORKs stage two childcare.
 - (D) CalWORKs stage three childcare.
 - (E) General childcare and development.
 - (F) Migrant childcare.
 - (G) Childcare for children with severe disabilities.
 - (H) The American Indian Early Childhood Education Program.
 - (I) Responsibility as the lead agency for administration of the Child Care and Development Fund, as defined in Section 98.2 of Title 45 of the Code of Federal Regulations, and the Child Care and Development Fund State Plan Early Learning and Care Infrastructure Grant Program.
 - (J) The Early Learning and Care Workforce Development Grants Program.
 - (K) The California Head Start State Collaboration Office.
 - (L) The Early Head Start-Child Care Partnerships Grant awarded to the State Department of Education.
 - (M) Resource and referral agencies.
 - (N) Local planning councils.
 - (O) California Child Care Initiative Project.
 - (P) Other childcare quality improvement projects.
 - (Q) Any memoranda of understanding and partnerships related to the programs listed in this section.
 - (R) The Child Development Management Information System and other related data systems as pertain to the programs and activities listed in this paragraph.



(b) Commencing July 1, 2020, the Department of Early Childhood Development, in coordination with the California Health and Human Services Agency, the State Department of Education, and the State Department of Social Services, shall initiate the transfer process. The transfer process shall be completed by July 1, 2021.

(c) Prior to July 1, 2021, the Department of Early Childhood Development may enter into memoranda of understanding or interagency agreements with the California Health and Human Services Agency, its departments and offices, the State Department of Education, the State Department of Social Services, and any other state agency, department, or office necessary for the initiation or continuation of services to support continuous operations, provide childcare services, effectuate state law, and enhance the system of early learning and care administration to increase program coordination, improve service delivery, and foster stronger child and family connections to all comprehensive support services.

12840. (a) Commencing July 1, 2021, the Department of Early Childhood Development succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the programs listed in subdivision (a) of Section 12839.1. For purposes of this article, the aforementioned programs, services, and systems from the California Health and Human Services Agency, the State Department of Education, and the State Department of Social Services are referred to as the “predecessor entities.”

(b) Unless the context clearly requires otherwise, any reference to the California Health and Human Services Agency, the State Department of Education, and the State Department of Social Services, in any statute, regulation, or contract, or in any other code, with respect to any of the functions transferred to the department pursuant to this article, is a reference to the Department of Early Childhood Development.

12841. (a) The Department of Early Childhood Development is under the control of the Director of the Department of Early Childhood Development. The Governor shall appoint the director and a chief deputy director, and these appointees shall hold office at the pleasure of the Governor. The appointment of the director is subject to confirmation by the Senate.

(b) Except as otherwise provided by this article or any other law, the department and the director have all of the duties, powers, and responsibilities applicable to state departments and heads of departments under Chapter 2 (commencing with Section 11150) of Part 1.

(c) The director shall be solely responsible for selecting persons for career executive assignment positions and other non-civil-service managers for the department.

(d) Without limiting any other powers or duties, the director shall ensure compliance with the terms of any state plans, memoranda of understanding, administrative orders, interagency agreements, assurances, single state agency obligations, federal statutes and regulations, and any other form of agreement or obligation that vital government activities rely upon or are a condition to the continued receipt by the department of state or federal funds or services.

12842. All regulations relating to programs, services, and systems listed in subdivision (a) of section 12839.1 adopted by the predecessor entities and any of their predecessors are expressly continued in force. Any statute, law, rule, or regulation in force on the effective date of this article, or that may hereafter be enacted or adopted with reference to the predecessor entities and any of their predecessors, shall apply to



the Department of Early Childhood Development. Any action concerning these duties, responsibilities, obligations, liabilities, and functions shall not abate but shall continue in the name of the Department of Early Childhood Development. The substitution does not affect the rights of the parties to the action.

12842.1. A contract, lease, license, state or federal grant, memorandum of understanding, or any other agreement relating to programs, services, and systems listed in subdivision (a) of Section 12839.1 to which the predecessor entities and any of their predecessors are a party is not void or voidable by reason of the act that added this section, but are continued in full force and effect, with the Department of Early Childhood Development assuming all of the rights, obligations, and duties of the predecessor entities. The assumption by the department does not in any way affect the rights of the parties to the contract, lease, license, state or federal grant, memorandum of understanding, or agreement.

12842.2. On and after July 1, 2021, all financial accounting records, documents, records, and property relating to programs, services, and systems of the predecessor entities for the programs listed in subdivision (a) of Section 12839.1 shall be transferred to the department in consultation with the predecessor entities. To the extent programs, services, or systems are jointly administered by the predecessor entities and the Department of Early Childhood Development, the predecessor entities shall provide a duplicate electronic copy of the shared financial accounting records, documents, and other records deemed necessary with the Department of Early Childhood Development.

12843. On and after July 1, 2021, positions filled by appointment by the Governor exclusively relating to programs, services, and systems listed in subdivision (a) of Section 12839.1 shall be transferred from the predecessor agencies to the Department of Early Childhood Development. Individuals in positions transferred pursuant to this section who have been previously confirmed by the Senate shall not be required to undergo a new confirmation as a result of this transfer. Individuals in positions transferred pursuant to this section shall serve at the pleasure of the Governor, unless as otherwise expressly stated. Titles of positions transferred pursuant to this section shall be determined by the Director of the Department of Early Childhood Development with the approval of the Governor. Salaries of positions transferred shall remain at the level established pursuant to law on June 30, 2021.



LEGISLATIVE COUNSEL'S DIGEST

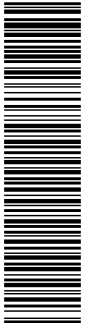
Bill No. _____
as introduced, _____.
General Subject: Department of Early Childhood Development.

Existing law provides for various programs and services relating to early childhood development. Existing law establishes the Early Childhood Policy Council, staffed by the California Health and Human Services Agency, to advise the Governor, the Legislature, and the Superintendent of Public Instruction, on statewide early learning and care policy, including the planning for, and the implementation and evaluation of, the state's Master Plan for Early Learning and Care and the 2019 California Assembly Blue Ribbon Commission on Early Childhood Education Final Report, as specified.

Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, administered by the State Department of Social Services, under which each county provides cash assistance and other benefits to qualified low-income families and individuals. Existing law generally requires a recipient of CalWORKs benefits to participate in welfare-to-work activities as a condition of eligibility for aid. Existing law requires that necessary supportive services be available to participants in welfare-to-work activities, including childcare, which is provided pursuant to the Child Care and Development Services Act. Under existing law, the act establishes 3 stages of childcare services through which a recipient of CalWORKs will pass. The act requires county welfare departments to manage the first stage of childcare, and requires the State Department of Education to manage the 2nd and 3rd stages.

This bill would create the Department of Early Childhood Development within the California Health and Human Services Agency, effective July 1, 2021, to improve service delivery for young children, families, and providers, reduce administrative duplication and create greater efficiencies, and expand access to services for children and families. The bill would require the Governor to appoint a director and a chief deputy director for the department, who would hold office at the pleasure of the Governor. The bill would make the appointment of the director subject to Senate confirmation. The bill would declare the intent of the Legislature to transfer early childhood development programs and activities, including, but not limited to those specified above, to the department from the California Health and Human Services Agency, the State Department of Social Services, and the State Department of Education. Commencing July 1, 2021, the bill would vest the department with all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of those programs. The bill would require the department, in coordination with the California Health and Human Services Agency, the State Department of Education, and the State Department of Social Services, to initiate the transfer process commencing July 1, 2020, and to complete the process by July 1, 2021.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



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