

February 25, 2022

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**CHILD CARE BULLETIN (CCB) NO. 22-05**

The purpose of this CCB is to notify Local Planning Councils (LPCs) of the change in governing statutory authority, identify updated directives regarding the Annual Local Priorities Report and the Needs Assessment, and to remind LPCs of their responsibilities and duties as it relates to child care services at the local level.



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DIRECTOR

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**DEPARTMENT OF SOCIAL SERVICES**  
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**GAVIN NEWSOM**  
GOVERNOR

February 25, 2022

CHILD CARE BULLETIN NO. 22-05

GUIDANCE TYPE: DIRECTIVE

TO: LOCAL PLANNING COUNCIL (LPC) COORDINATORS,  
CHAIRPERSONS, CONTRACTORS, LEGAL ENTITY  
REPRESENTATIVES, EXECUTIVE DIRECTORS,  
SUPERINTENDENTS, ASSISTANT SUPERINTENDENTS,  
AND PROGRAM DIRECTORS OF ALL CHILD CARE AND  
DEVELOPMENT PROGRAMS

SUBJECT: CHANGES TO GOVERNING STATUTORY AUTHORITY FOR  
LPCs FROM EDUCATION CODE  
TO WELFARE AND INSTITUTIONS CODE (WIC)

APPLICABLE  
PROGRAMS: ALL 58 LOCAL PLANNING COUNCILS

REFERENCES: [ASSEMBLY BILL \(AB\) 131 \(CHAPTER 116, STATUTES OF 2021\); WELFARE AND INSTITUTIONS CODE \(WIC\) SECTIONS 10480 AND 10485 THROUGH 10487](#)

## **Purpose**

The purpose of this Child Care Bulletin (CCB) is to inform LPCs of the shift of governing statutory authority from the Education Code (EC) to Welfare and Institutions Code (WIC), identify updated directives regarding the Annual Local Priorities Report and the Needs Assessment, and to remind LPCs of their responsibilities and duties as it relates to child care services at the local level. LPCs should refer to the WIC for directives on all mandated LPC related activities.

## Background

Effective July 1, 2021, the Early Childhood Development Act of 2020 transferred the oversight of LPCs' work from the California Department of Education (CDE) to the California Department of Social Services (CDSS), pursuant to [Senate Bill \(SB\) 98, \(Chapter 24, Statutes of 2020\)](#).

Pursuant to [Assembly Bill \(AB\) 131 \(Chapter 116, Statutes of 2021\)](#), signed by the Governor on July 23, 2021, all statutes governing LPCs were transferred from the EC to the WIC, and are now found in [WIC Sections 10480 and 10485 through 10487](#).

## Directive

As of July 23, 2021, LPCs should refer to the WIC ([sections 10480 and 10485 through 10487](#)) as the statutory authority over LPCs. LPCs must inform all applicable council members and stakeholders of the transfer from EC to the WIC. The LPCs will continue to adhere to the [CDSS Program Requirements and Funding Terms and Conditions \(FT&Cs\)](#). Additionally, when completing the Annual Local Priorities Report and the Needs Assessment per [WIC Section 10486](#), LPCs must submit the results they identified to the board of supervisors and the county superintendent for approval. After approval is obtained, LPCs must then submit their results to both the Child Care and Development Division at CDSS ([LPC@DSS.CA.GOV](mailto:LPC@DSS.CA.GOV)) and the CDE ([CSPPRFA@CDE.CA.GOV](mailto:CSPPRFA@CDE.CA.GOV)).

### LPC Directives per WIC section 10486:

- (a) The department (The "department" refers to CDSS) shall allocate child care funding pursuant to this part based on the amount of state and federal funding that is available.
- (b) By May 30 of each year, upon approval by the county board of supervisors and the county superintendent of schools, a local planning council shall submit (to the CDSS and the CDE) the local priorities it has identified that reflect all child care needs in the county. To accomplish this, a local planning council shall do all of the following:
  - (1) Conduct an assessment of child care needs in the county no less frequently than once every five years. The department shall define and prescribe data elements to be included in the needs assessment and shall specify the format for the data reporting. The needs assessment shall also include all factors deemed appropriate by the local planning council in order to obtain an accurate picture of the comprehensive child care needs in the county. The factors include, but are not limited to, all of the following:

- (A) The needs of families eligible for subsidized child care.
  - (B) The needs of families not eligible for subsidized child care.
  - (C) The waiting lists for programs funded by the department.
  - (D) The need for child care for children determined by the child protective services agency to be neglected, abused, or exploited, or at risk of being neglected, abused, or exploited.
  - (E) The number of children in families receiving public assistance, including CalFresh benefits, housing support, and Medi-Cal, and assistance from the Healthy Families Program and the Temporary Assistance for Needy Families program.
  - (F) Family income among families with preschool or school age children.
  - (G) The number of children in migrant agricultural families who move from place to place for work or who are currently dependent for their income on agricultural employment in accordance with subdivision (a) of, and paragraphs (1) and (2) of subdivision (b) of [Section 10236](#).
  - (H) The number of children who have been determined by a regional center to require services pursuant to an individualized family service plan, or by a local educational agency to require services pursuant to an individualized education program or an individualized family service plan.
  - (I) The number of children in the county by primary language spoken pursuant to the department's language survey.
  - (J) Special needs based on geographic considerations, including rural areas.
  - (K) The number of children needing child care services by age cohort.
- (2) Document information gathered during the needs assessment that shall include, but need not be limited to, data on supply, demand, cost, and market rates for each category of child care in the county.
- (3) Encourage public input in the development of the priorities. Opportunities for public input shall include at least one public hearing during which members of the public can comment on the proposed priorities.

- (4) Prepare a comprehensive countywide child care plan designed to mobilize public and private resources to address identified needs.
  - (5) Conduct a periodic review of child care programs funded by the department to determine if identified priorities are being met.
  - (6) Collaborate with subsidized and nonsubsidized child care providers, county welfare departments, human service agencies, regional centers, job training programs, employers, integrated child and family service councils, local and state children and families commissions, parent organizations, early start family resource centers, family empowerment centers on disability, local child care resource and referral programs, and other interested parties to foster partnerships designed to meet local child care needs.
  - (7) Design a system to consolidate local child care waiting lists if a centralized eligibility list is not already in existence.
  - (8) Coordinate part-day programs, including state preschool and Head Start, with other child care and development services to provide full-day child care.
  - (9) Submit the results of the needs assessment and the local priorities identified by the local planning council to the board of supervisors and the county superintendent of schools for approval before submitting them to the department.
  - (10) Identify at least one, but not more than two, members to serve as part of the department team that reviews and scores proposals for the provision of services funded through contracts with the department. Local planning council representatives may not review and score proposals from the geographic area covered by their own local planning council. The department shall notify each local planning council whenever this opportunity is available.
- (c) The needs assessment data shall be made available to counties implementing individualized county child care subsidy plans pursuant to Chapter 18 (commencing with [Section 10340](#)).
- (d) The department shall, in conjunction with all appropriate statewide agencies and associations, develop guidelines for use by local planning councils to assist them in conducting needs assessments that are reliable and accurate. The guidelines shall include acceptable sources of demographic and child care data, and methodologies for assessing child care supply and demand.

- (e) The department shall allocate funding within each county in accordance with the priorities identified by the local planning council of that county and submitted to the department pursuant to this section unless the priorities do not meet the requirements of state or federal law.

If you have any questions or need additional guidance regarding the information in this letter, please contact the CDSS Learning Innovation and Improvement office at [LPC@dss.ca.gov](mailto:LPC@dss.ca.gov) and you can reach out to CDE at [CSPPRFA@cde.ca.gov](mailto:CSPPRFA@cde.ca.gov).

In partnership,

***Original Document Signed By***

LUPE JAIME-MILEHAM, EdD, Deputy Director

Child Care and Development Division