

Assembly Bill No. 2580

CHAPTER 1025

An act to amend Section 52616 of, and to add Sections 33117.5, 71050, and 84707 to, the Education Code, to amend Sections 10521, 10524, 15006, 15010, 15011, 15032, 15037, and 15043 of, and to add Section 9615 to, the Unemployment Insurance Code, and to add Article 3.2 (commencing with Section 11320) to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Aid to Families with Dependent Children, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 26, 1985. Filed with
Secretary of State September 26, 1985.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2580, Konnyu. Aid to Families with Dependent Children: employment.

Existing law provides for various employment and training programs in order to provide services necessary to permit Aid to Families with Dependent Children (AFDC) program recipients to acquire unsubsidized employment.

This bill would provide for an employment and training services program for these recipients, to be administered by each county welfare department, in a manner consistent with regulations developed by the State Department of Social Services.

This bill would require each county, or a consenting group of counties, with the cooperation of community college districts, county offices of education, and private industry councils, to develop a plan for the program which contains a needs assessment containing specified elements. Each plan would be subject to the approval of the State Department of Social Services.

This bill would require each county plan to provide, or arrange for the provision of, as a minimum, specified types of employment, training, and supportive services, except that when any of these services are not provided for by a county its plan shall include a justification for not providing these services, and with the types of services which each county is to provide to be specified in the county plan.

This bill would require all AFDC applicants or recipients required to register for employment or training services under federal law to register for this program, with all other AFDC applicants or recipients to be permitted to participate voluntarily in the program.

This bill would require the county and, with specified exceptions, each registrant, upon registration, to enter into a basic contract specifying the program components to be utilized by the participant,

and the services to be provided by the county. The participant's initial program component assignment would depend upon specified factors. Under specified circumstances, certain registrants would not be required to participate in the program until the county welfare department determines that those circumstances no longer exist.

This bill would also provide methods for determining subsequent program assignments. It would set forth procedures to be utilized when the county and the recipient cannot agree on a plan.

This bill would provide for sanctions for nonregistration, or against participants for nonparticipation in program components without good cause, as defined, and against any service provider which fails to provide the required services.

This bill would set forth a dispute resolution procedure in instances where the participant disagrees with an action of the county.

This bill would require various state agencies to perform specified functions, including a requirement that the State Department of Social Services seek available federal funding and any necessary waivers of federal law.

This bill would require the Superintendent of Public Instruction and the Chancellor's office of the California Community Colleges to identify school districts and community college districts, respectively, to best accommodate participants whose contracts require education and skills training, and to enter into necessary contracts for provision of those services. The bill would make specified funding sources available to pay for services provided under these contracts including an appropriation from Section B of the State School Fund.

This bill would require the Employment Development Department to provide the jobs services required by this bill.

This bill would include the job training and employment services required to be rendered to recipients who have contracted therefor within existing provisions implementing the federal Job Training Partnership Act, and within job training and placement programs for AFDC recipients under specified provisions. It would also make related changes.

This bill would set a schedule for statewide implementation of the program.

This bill would exempt emergency regulations necessary for implementation of the bill and adopted within 120 days of the enactment of the bill from the review and approval of the Office of Administrative Law.

Since this bill places additional responsibilities on each county, it would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions provide a procedure for paying this reimbursement and require any statute mandating these costs to specify that reimbursement shall be made from the State Mandates

Claims Fund for these costs.

This bill would appropriate \$7,900,000 from the General Fund and \$7,900,000 from the Federal Trust Fund to the State Department of Social Services for the purposes of implementing this bill during the 1985-86 fiscal year, including reimbursements to counties for costs mandated by the state pursuant to this bill.

The bill would appropriate \$200,000 from the General Fund to the State Department of Education, for expenditure during the 1985-86 fiscal year, for the resource and referral program to support activities provided for in the bill.

The bill would also require transfers of funds between the State Department of Education and the State Department of Social Services for purposes of child care, and these transfers would constitute appropriations.

The bill would also provide that, except as specified in the bill, appropriations for subsequent fiscal years shall be made pursuant to the Budget Act.

The bill would reappropriate \$2,000,000 from a specified item in the Budget Act of 1985, and \$1,000,000 from the General Fund, to the Superintendent of Public Instruction, in order to carry out specified duties provided for in the bill.

This bill would make its provisions operative only if SB 303 is enacted during the 1985 portion of the 1985-86 Regular Session.

This bill would take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 33117.5 is added to the Education Code, to read:

33117.5. (a) Adult education programs and regional occupational programs operated by school districts and county offices of education that have contracted with the Superintendent of Public Instruction pursuant to subdivision (b) shall provide services to welfare recipients referred by county welfare departments in accordance with paragraph (6) of subdivision (b) of Section 11320.5 of the Welfare and Institutions Code. These services shall include an evaluation of the individual's educational and training needs for purposes of paragraph (6) of subdivision (b) of Section 11320.5 of the Welfare and Institutions Code and the preparation of a related education and training plan reflecting these needs. The plan shall specify the educational and training services to be provided and the length of time services are to be provided, and shall assure access to those services.

(b) The Superintendent of Public Instruction shall identify school districts or county offices of education which can best accommodate welfare recipients for whom vocational education, adult education, and English as a second language is specified in contracts required

by Sections 11320.4 and 11320.5 of the Welfare and Institutions Code. The superintendent shall enter into contracts with each such consenting district or county office, where necessary, so that the contracting district or county office shall provide open entry-open exit skills training and education for welfare recipients who need this training to enable counties to meet their goals for plans developed pursuant to Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

(c) Allocations to the Superintendent of Public Instruction of funds available under Section 202(b)(1) of the federal Job Training Partnership Act shall be used for purposes of this section to the extent the superintendent determines necessary.

The Superintendent of Public Instruction shall allocate these funds directly to those providers of educational and training services delivered in accordance with this section. The Superintendent of Public Instruction shall allocate to community college districts and the Chancellor's Office of the California Community Colleges such funds as are determined necessary pursuant to Section 71050. The Superintendent of Public Instruction may allocate these funds to service delivery areas which have agreements with private schools and organizations to provide educational and training services under Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code. These funds shall be allocated in accordance with the coordination criteria of the coordination and special services plan as provided in Section 10524 of the Unemployment Insurance Code, and according to the priority order of eligible persons for these funds as provided in Sections 15010 and 15011 of the Unemployment Insurance Code.

SEC. 1.5. Section 52616 of the Education Code is amended to read:

52616. The Superintendent of Public Instruction shall determine an adult block entitlement for school districts which maintain education programs for adults. This entitlement shall be paid from appropriations to Section A of the State School Fund as a part of the principal apportionment to school districts.

(a) For the 1983-84 fiscal year, each district's adult revenue limit per unit of average daily attendance for the prior fiscal year calculated pursuant to Provision 1 of Item 6100-156-001 of the Budget Act of 1982 shall be increased by seventy dollars (\$70). For the 1984-85 fiscal year and each fiscal year thereafter, each district's adult revenue limit per unit of average daily attendance for the prior fiscal year shall be increased by an amount equal to 6 percent of the prior year's statewide average adult revenue limit per unit of average daily attendance, provided that no such revenue limit per unit of average daily attendance shall be less than 1.06 times the prior fiscal year's statewide average adult revenue limit per unit of average daily attendance.

(b) For the purposes of the block entitlement, the district's

average daily attendance shall be the lesser of paragraph (1) or (2):

(1) The 1982-83 adult average daily attendance authorized for funding purposes for the programs specified in Section 41976, as specified in Item 6100-156-001 of the Budget Act of 1982, multiplied by 1.025 in the 1983-84 fiscal year and each fiscal year thereafter.

(2) The actual adult average daily attendance for the programs specified in Section 41976.

(c) The adult block entitlement shall be computed by multiplying the adult revenue limit per unit of average daily attendance from subdivision (a) and the adult average daily attendance allowed in subdivision (b). The adult block entitlement shall be deposited in a separate fund of the district to be known as the "adult education fund." Moneys in an adult education fund shall be expended only for adult education purposes. Moneys received for programs other than adult education shall not be expended for adult education.

(d) If the adult average daily attendance of a school district in any fiscal year is less than the adult average daily attendance utilized to compute the funded district adult education block entitlement for that fiscal year, the district shall receive an apportionment only for the actual average daily attendance generated. Any surpluses accrued as a result of average daily attendance not generated in a district's block entitlement shall be reallocated after the annual apportionment by the Superintendent of Public Instruction to provide services to welfare recipients pursuant to Section 33117.5. Any remaining surplus shall be reallocated to meet unanticipated growth in adult education. The receipt of reallocated funds shall not be used for computational purposes for the district's block entitlement for subsequent fiscal years.

(e) Each school district which conducted adult education programs for substantially handicapped adults in activity centers, work activity centers, sheltered workshops, state hospitals, and other community settings, shall set aside an amount of money from its adult education block entitlement equal to its current fiscal year revenue limit times the average daily attendance generated in these facilities in the 1979-80 fiscal year times 1.02, subject to the following:

(1) The classes and courses offered in activity centers, work activity centers, sheltered workshops, and state hospitals shall be authorized pursuant to subdivision (e) of Section 41976.

(2) A school district shall operate classes in these facilities and shall expend all funds set aside pursuant to this subdivision and shall use all funds exclusively for those classes for substantially handicapped adults.

(3) The conditions imposed by paragraphs (1) and (2) may be waived by the Superintendent of Public Instruction upon certification from the school district that the local demand for the program is less than the required level of service.

SEC. 2. Section 71050 is added to the Education Code, to read:
71050. The Chancellor's Office of the California Community

Colleges shall survey local community college districts to determine the level and type of services needed and available for welfare recipients pursuant to Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code. The Chancellor's Office of the California Community Colleges shall develop a plan and standards for the level of participation by community college districts required to meet the goal of providing open entry/open exit education, skills training, assessment, and counseling to these recipients. The plan shall provide for local in-service training and technical assistance to community college districts in development of contracts and programs in cooperation with county welfare agencies, service delivery areas under the Job Training Partnership Act, and others necessary to carry out the intent of that article. The plan shall also provide for the identification of necessary funding levels and sources of funding, including employer-based training and funds available under Section 202(b) (1) of the Job Training Partnership Act, to meet the goals of Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, and the development and implementation of monitoring and reporting tools for the continued participation of community college districts in the provision of services under contracts required by that article.

SEC. 2.5. Section 84707 is added to the Education Code, to read:

84707. The Controller shall, in addition to amounts accruing from all other sources, during each fiscal year commencing with the 1985-86 fiscal year, transfer from the General Fund to Section B of the State School Fund such amounts as are certified from time to time by the chancellor and approved by the Director of Finance for purposes of funding increases in units of average daily attendance pursuant to paragraph (4) of subdivision (b) of Section 84706 of the Education Code as a result of the participation of a community college district in services or programs provided for pursuant to Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

SEC. 3. Section 9615 is added to the Unemployment Insurance Code, to read:

9615. Eligible persons who are registrants pursuant to Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code shall receive priority for services provided by the Job Agent and Service Center programs provided for pursuant to this chapter and Executive Order 66-11, July 1966. The department shall use up to 50 percent of the funds available to it pursuant to Section 7(b) of the federal Wagner-Peyser Act (29 U.S.C., Sec. 49f) to provide for job services required pursuant to subdivision (c) of Section 11320.3 of the Welfare and Institutions Code.

SEC. 4. Section 10521 of the Unemployment Insurance Code is amended to read:

10521. As used in this chapter:

(a) "State council" means the State Job Training Coordinating Council established pursuant to Chapter 4.5 (commencing with Section 15035) of Division 8.

(b) "Employment and training programs and services" means all programs and services provided in this state to increase employment or provide job search assistance or training to unemployed or underemployed persons, including those administered by state and local education and training agencies (including vocational education agencies), public assistance agencies, the employment service, rehabilitation agencies, postsecondary institutions, economic development agencies, and other agencies which have a direct interest in employment and training and human resource utilization in the state. This shall include, but is not limited to, the following:

(1) Programs operated pursuant to the Job Training Partnership Act (P.L. 97-300).

(2) Employment services, as authorized by the Wagner-Peyser Act.

(3) The Work Incentive Program, as authorized under Division 2 (commencing with Section 5000) and Article 3 (commencing with Section 11300) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

(4) Employment services to food stamp recipients, as authorized by Public Law 95-113.

(5) The Employment Preparation Program, as authorized under Article 3.5 (commencing with Section 11325) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

(6) The Employment Training Program for unemployed parents in families that qualify for assistance under paragraph (2) of subdivision (a) of Section 11201 of the Welfare and Institutions Code, as authorized by Article 3.6 (commencing with Section 11335) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

(7) The Supported Work Program, as authorized by Article 3.3 (commencing with Section 11321) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

(8) The California Welfare Employment Skills Training Act, as authorized by Article 3.7 (commencing with Section 11340) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

(9) The Career Opportunities Development Program, as authorized by Division 4 (commencing with Section 12000).

(10) The California Targeted Jobs' Tax Credit, as authorized by Sections 17053.7 and 24330 of the Revenue and Taxation Code.

(11) The California Work-Site Education and Training Program, as authorized by Chapter 2.7 (commencing with Section 9900) of Part 1 of Division 3.

(12) The State Service Center Program, as authorized by Executive Order 66-11, July 1966.

(13) The Job Agent Program, as authorized by Article 3

(commencing with Section 9700) of Chapter 3 of Part 1 of Division 3.

(14) The Youth Employment and Development Program, as authorized by Chapter 2.5 (commencing with Section 9800) of Division 3.

(15) Reemployment Assistance for Displaced Workers, as authorized by Chapter 2.8 (commencing with Section 9950) and Chapter 2.9 (commencing with Section 9970) of Part 1 of Division 3, and Section 14035.4 of the Government Code.

(16) Adult Education, as authorized by Chapter 10 (commencing with Section 52500) of Part 28 of Division 4 of Title 2 of the Education Code.

(17) Vocational education programs subject to the reporting requirements of the federal Vocational Education Act.

(18) The California Educational Opportunity Grant Program, as authorized by subdivision (c) of Section 69532 of the Education Code.

(19) Vocational education for inmates of correctional institutions, as authorized by Article 6 (commencing with Section 1120) of Chapter 3 of Part 1 of Division 2 of the Welfare and Institutions Code, and by Sections 2054, 2716, and 5091 of the Penal Code.

(20) The California Conservation Corps, as authorized by Division 12 (commencing with Section 14000) of the Public Resources Code.

(21) Apprenticeship programs, as authorized by Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code.

(22) The Employment Training Program, as authorized by Chapter 3.5 (commencing with Section 10200) of Part 1 of Division 3.

(23) Economic and business development programs and services, as authorized by Part 6.7 (commencing with Section 15310) of Division 3 of Title 2 of the Government Code.

(24) The Small Business Development Program, as authorized by Part 5 (commencing with Section 14000) of Division 3 of Title 1 of the Corporations Code.

(25) The business and industrial development programs, as authorized by Division 15 (commencing with Section 32000) of the Financial Code.

(26) The Industrial Development Financing Program, as authorized by Title 10 (commencing with Section 91500) of the Government Code.

(27) Child care services provided to permit parents to be employed or participate in training, as authorized by Chapter 2 (commencing with Section 8200) of Part 6 of Division 1 of Title 1 of the Education Code.

(28) Income maintenance programs for persons who would be employed but for a lack of employment opportunities, training, child care, or vocational rehabilitation, as authorized by Chapter 5 (commencing with Section 110) of Division 1, and Division 4

(commencing with Section 3200) of the Labor Code, Division 1 (commencing with Section 100), and Division 9 (commencing with Section 10000) of the Welfare and Institutions Code.

(29) The Greater Avenues for Independence Act of 1985 as authorized by Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

SEC. 5. Section 10524 of the Unemployment Insurance Code is amended to read:

10524. The coordination and special services plan shall include the following:

(a) A description of the proposed use of resources available in this state for employment and training programs and services for a two-year period, including oversight and support activities, priorities and criteria for incentive grants, and performance goals for state-supported programs.

(b) An evaluation of the experience of employment and training programs and services over the preceding two years.

(c) Recommendations with respect to ways to improve the effectiveness of employment and training programs and services in this state and ensure that these programs and services represent a complete, consistent, integrated and coordinated approach to meeting employment, training, and vocational education needs in this state.

(d) Specific coordination criteria which shall ensure that each local service delivery area plan, for each county, or part of a county, served by the plan, shall provide job training and employment services, as defined in this division, in accordance with a county plan approved under Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

SEC. 6. Section 15006 of the Unemployment Insurance Code is amended to read:

15006. (a) The Legislature recognizes that counties are the units of local government designated to administer public assistance programs in California. It is the intent of the Legislature that access to public assistance benefits be integrated with access to employment and training services provided pursuant to this division. In the event that another unit of general government within a county or a consortium of units of general local government is also designated as a service delivery area pursuant to the federal Job Training Partnership Act, the service delivery area plan for that service delivery area shall describe the agreed upon methods and procedures whereby employment and training services to public assistance recipients are tied to and a part of the system of integrated access to Public Assistance and Employment and Training Services within the county. Counties shall provide full cooperation to those entities within the county administering a service delivery area plan to assist in the establishment of appropriate linkages.

(b) The service delivery area plan for a service delivery area

which includes a county which has an approved or proposed plan for the provision of employment and training services for public assistance recipients under Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code shall contain a certification by each county that the service delivery area plan is consistent with the county plan in the provision of sufficient services under this division for registrants under that article. If the service delivery area plan does not contain the county certification required under this subdivision, the state council shall certify that the service delivery area plan is consistent with the county plan in the provision of sufficient services under this division for registrants under that article.

SEC. 7. Section 15010 of the Unemployment Insurance Code is amended to read:

15010. Persons eligible to receive services provided under this division with funds from the Consolidated Work Program Fund including federal funds received through Titles I and II of, but excluding Titles III and IV of, the federal Job Training Partnership Act shall be limited to the following:

(a) Persons who have entered into contracts with counties for services under this division pursuant to Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

(b) Members of families which are applicants for, are receiving, or which would be eligible to receive, in the absence of services provided under this division, benefits provided by the Aid to Families with Dependent Children program pursuant to Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code.

(c) Persons who are receiving or who, in the absence of services provided under this division, would be eligible to receive food stamps pursuant to Chapter 10 (commencing with Section 18900) of Part 6 of Division 9 of the Welfare and Institutions Code.

(d) Persons who are receiving or would, in the absence of services provided under this division, qualify in the county of application for benefits under that county's general assistance program pursuant to Part 5 (commencing with Section 17000) of Division 9 of the Welfare and Institutions Code.

(e) Other persons who are eligible for services under the federal Job Training Partnership Act.

SEC. 8. Section 15011 of the Unemployment Insurance Code is amended to read:

15011. (a) In the event that available funding is not sufficient to provide the full range of services authorized under this division to all those meeting the eligibility standards specified in Section 15010, the department, pursuant to policies established by the state council, shall establish criteria to be used in service delivery areas in determining both of the following:

(1) The priority order among eligible persons for access to services.

(2) The priority order among the types of services to be provided. These criteria shall provide sufficient flexibility in order that local service delivery area plans can respond to the needs of eligible groups for programs developed in response to local conditions.

(b) In establishing priority criteria, the department may establish proportions of funding that may be used for groups of eligible participants and for types of services, or the department may establish proportions of eligible groups to be served, or both.

(c) The priority order of eligible persons shall be in accordance with the order of eligibility set forth in Section 15010. This subdivision shall be operative unless there is a determination by the United States Department of Labor that it is inconsistent with federal law.

SEC. 9. Section 15032 of the Unemployment Insurance Code is amended to read:

15032. It shall be the duty of the council to:

(a) Design and plan the program of job preparation and training services for the service delivery area, which shall include all of the following:

(1) Establishing the service delivery area's eligibility and services priorities.

(2) Determining the types of services and training to be provided.

(3) Determining the industries and occupations for training.

(4) Establishing criteria for the content and quality of training.

(5) Determining the entities which will deliver the training and services.

(6) Determining the annual utilization of available funds and resources and preparing the program budget.

(b) Survey local employment needs and local economic conditions, including a description of:

(1) Unemployed, underemployed and "discouraged" workers.

(2) Jobs lost and jobs created in the region.

(3) Local labor market supplies and migratory patterns.

(4) Labor force training needs and skills assessment.

(5) Linkages with small businesses.

(6) Economic development strategies, implemented or planned for the region and their employment impact.

(7) Employment by private industry receiving contracts, loans, industrial revenue bonds, grants, tax abatements or preferential zoning from the local governing body.

(c) Guide the development of the service delivery area plan prepared in accordance with the provisions of Chapter 5 (commencing with Section 15040) to assure that it conforms with the priorities, criteria and standards set forth by the council pursuant to subdivision (a).

(d) Monitor the performance of the job preparation and training

services system to assure its compliance with the service delivery area plan, and through utilization of performance criteria established pursuant to this division, assess the levels of success achieved by the system. Where the system's performance is not up to standard, the council shall propose modifications which maximize successful outcomes.

(e) Assure that the system is fully responsive to the employment needs of the private sector, program participants, and the economic conditions occurring within the service delivery area, and assure that the system is compatible with and supportive of federal, state and local business and economic development activities occurring within the service delivery area.

(f) Promote the integration of the system with all other job training, vocational education, and employment services resources available within the service delivery area, including the joint development of plans with the Employment Development Department for local offices for employment services including the Work Incentive Program, local educational agencies for vocational education programs pursuant to the provisions of Chapter 7 (commencing with Section 15070), and county welfare departments for services to participants under Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

(g) Promote the transition of participants served by the system into full-time unsubsidized jobs with special emphasis on nontraditional jobs in the private sector for women.

(h) Consult quarterly with the local child care resource and referral agency to review data on the need for child care and development services for participants eligible for services under this division.

(i) Develop and implement a plan for participation in the planning process, program development, and program evaluation by representatives of eligible participants and service providers within the service delivery area, including all types of public and private vocational education agencies and schools, public assistance recipients, participants in services under this division, and child care resource and referral agencies.

(j) Prepare and distribute to interested parties a quarterly program assessment for review and comment.

SEC. 9.5. Section 15037 of the Unemployment Insurance Code is amended to read:

15037. The state council shall:

(a) Recommend to the Governor and the Legislature a coordination and special services plan in accordance with Chapter 4.5 (commencing with Section 10510) of Part 1 of Division 3.

(b) Report to the Legislature on or before March 1 of each year concerning the consistency of the Governor's proposed budget with the coordination and special services plan.

(c) Recommend to the Governor local service delivery areas. To the extent permitted by federal law, designation of service delivery areas shall reflect the intent of the Legislature to integrate and coordinate employment and training services, public assistance programs, and other educational and training efforts as may exist which are designed to assist individuals in preparing for participation in the labor force.

(d) To the extent permitted by federal law, establish policies which shall be followed by the department in performing all of the following functions:

(1) Approval of local service delivery area plans.
(2) Establishment of standards, criteria, and reporting requirements established by the department pursuant to this division with respect to local service delivery area plans.

(3) Allocation of funds for local service delivery area plans.

(e) Review and approve both of the following:

(1) The allocation of federal funds received by the state pursuant to Section 202 (b) and Title III of the federal Job Training Partnership Act. Funds received by the state in accordance with Section 202(b) (1) of that act shall be allocated to the Superintendent of Public Instruction as necessary to meet the need determined by the superintendent pursuant to Section 33117.5 of the Education Code. The state council shall be deemed to have approved the disbursement of funds when the Governor approves a decision of the state council specifying a budget for an authorized program or activity and designating the department or agency responsible for the expenditure of the budgeted funds. An agreement shall be entered into between the Employment Development Department and the State Department of Education and shall provide that Job Training Partnership Act funds provided for the purposes of Section 33117.5 of the Education Code shall be utilized for payment to Regional Occupational Centers and Programs.

(2) The annual labor market and occupational supply and demand information plan developed pursuant to Section 15057.5.

(f) Consider and advise the director on all matters connected with the administration of this code as submitted to it by the director, and may upon its own initiative recommend changes in administration as it deems necessary.

(g) Review and comment to the Governor and the Legislature on the annual report prepared in accordance with Section 15064.

(h) Serve as the body responsible for making recommendations to the Governor when the director proposes to withdraw funding pursuant to Section 15028.

SEC. 10. Section 15043 of the Unemployment Insurance Code is amended to read:

15043. Service delivery area plans shall contain provisions required by the federal Job Training Partnership Act and this division, including but not necessarily limited to, the following:

(a) A description of the service delivery area's system for administering and delivering services including private industry council membership.

(b) A description of, and the rationale for, the service delivery area's eligibility and services priorities, the types of services and training provided, the industries and occupations of training, the criteria for the content and quality of training, the entities delivering services, and the performance measures used.

(c) A description of the coordination with and the uses made of other agencies and organizations within the service delivery area providing job training, vocational education, client advocacy, child care and employment services, which shows the value of these other resources in addressing the needs reflected in the plan. This shall include a description of how the plan meets the needs of participants served under county plans developed pursuant to Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

(d) A proposed budget for the planning period describing program objectives, services to be provided for the purpose of achieving those objectives, the sources and amounts of funds to be allocated to each type of service, and estimates of the number of persons in each eligibility category in need and the number of persons in each eligibility category to be served by each type of service. The budget shall also describe administrative objectives, the purpose and rationale for such objectives, and the sources and amounts of funds to be allocated to each objective.

(e) A status report on the activities of the current fiscal year describing progress toward achieving program and administrative objectives as well as other legislative requirements imposed by the current budget, including the current status and financial condition of the federal and state funds allocated to the service delivery area and the capacity to meet current year objectives.

(f) A description of the activities, financial condition and accomplishments of the service delivery area's job preparation and training services program for the preceding fiscal year, including a description of the extent to which program and administrative objectives set forth for that year were realized, and a description of expenditures by sources of funds for services provided pursuant to this division in that year.

(g) A description of the condition of job preparation and training services taking place in the service delivery area, including an analysis of issues confronting the program and recommendations appropriate to resolve such issues.

(h) A description of the unmet child care needs of participants eligible for services under this division, including an assessment of the role of employers in reducing this barrier to participation.

(i) Assurance that economically disadvantaged women and minorities will be served with federal Job Training Partnership Act

funds, with respect to Title I and Title II of the act, at a rate that approximates their rate of representation and need for job training among the economically disadvantaged within each service delivery area. If the goals of the plan are not designed to comply with this subdivision, the private industry council shall submit its justification for noncompliance to the State Job Training Coordinating Council and the Governor.

SEC. 11. Article 3.2 (commencing with Section 11320) is added to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 3.2. Greater Avenues for Independence Act of 1985

11320. The Legislature finds and declares that the state and counties recognize all of the following:

(a) Applicants for, and recipients of, aid under this chapter desire to work, and will do so if provided with the opportunity.

(b) The state and counties shall provide applicants for, and recipients of, aid under this chapter with the opportunity to obtain employment by offering a full range of employment training and supportive services, consistent with the needs of participants, that allow for informed choices in order to meet their employment goals.

(c) Able-bodied applicants for, and recipients of, aid under this chapter, are expected to work. The timeframes for fulfilling this expectation shall be set forth in an explicit contract between an applicant or recipient and the county.

(d) Applicants for, and recipients of, aid under this chapter who are required to register for employment and training programs pursuant to Section 11310 are "individuals in special need" of training as described in Section 2 of the federal Job Training Partnership Act (29 U.S.C. Sec. 1501, et seq.), "individuals who require special assistance" provided in Section 123 of that act, and "most in need" of employment and training opportunities as described in Section 141 of that act. The Legislature finds and declares that these individuals are in the labor force actively seeking employment.

(e) Because success of any program will depend on the state, it must exercise leadership to engender enthusiasm among counties, county welfare department directors, and county welfare department line staff, who are the principal contacts for many recipients enrolled in the program.

(f) A successful program should also be based upon all the following principles:

(1) Recipients should be able to make choices and to live up to the responsibilities involved in those choices.

(2) Participants should have an early opportunity to obtain a job.

(3) Expenditures should be targeted where they can do the most good.

(4) The state and the counties have a responsibility to provide a sufficient level of services to meet the needs of participants, as well as to undertake sufficient public information efforts to make recipients, potential participants, employers, or other public or private entities aware of the components, opportunities, and benefits of this program.

(5) New programs should be good investments of public funds. Added costs to the system should be incurred only when they are likely to result in long-term personal and community payoff.

(g) Clients should not be placed in any unassigned pool while waiting for a scarce resource.

(h) Most types of employment and training program components for applicants for, and recipients of, aid under this chapter have been successfully tried in this state.

(i) Aid under this chapter is available to persons who meet eligibility requirements. The program provided for in this article should not hamper continuation of this state's existing system of fraud detection, one of the most successful in the nation.

11320.1. Every applicant for, or recipient of, aid under this chapter who is required to register for employment and training programs pursuant to Section 11310 shall be required to register under this article with the county welfare department. Any applicant for, or recipient of, aid under this chapter who is not required to participate under this article may volunteer to participate in the program.

Any person required to register under this article with the county welfare department who refuses to register shall be subject to the procedures provided for in subdivision (a) of Section 11320.5.

11320.2. (a) County welfare departments shall administer this chapter, in a manner consistent with the provisions of this chapter and regulations adopted by the department in order to implement this chapter.

(b) Each county welfare department, with the cooperation of community college districts, county offices of education, and local private industry councils established under Chapter 4 (commencing with Section 15030) of Division 8 of the Unemployment Insurance Code, shall design a package of services to be provided to participants receiving services under this article, that reflect available resources and local job market needs. A joint plan may be submitted by two or more consenting counties.

Each county plan shall include a participant and labor market needs assessment, to be revised annually, which shall specify all of the following:

(1) The full employment goal of the plan, which shall be the provision of unsubsidized employment for all county registrants subject to this article.

(2) An assessment of the county's current and projected unsubsidized employment needs.

(3) An inventory of services, including those specified in subdivision (c) of Section 11320, available to county residents.

(4) The amount and kind of services required to meet the full employment goal for all registrants.

(5) The amount and kind of services that will be used in the plan year.

(6) An assessment of what services are currently unavailable and needed, including child care services, to meet the full employment goal and a plan for developing the availability of these services within a reasonable period of time, including a proposed program budget.

(c) The county welfare department shall submit to the department a program budget proposal in conjunction with the county plan, as specified in this section. The budget proposal shall specify the costs associated with providing the range of services included in the plan in the most cost-effective manner. The budget proposal shall identify the amount of funds that the county expects to spend for each component and shall provide supporting detail regarding the caseloads anticipated in each component and the amount that will be spent for (1) county employees, by classification, (2) administrative support and overhead, and (3) contracted services and support. Prior to final approval of the county's plan, as specified in subdivision (f), the department shall notify each county of the amount of its allocation of funds to carry out the plan and the assumptions used to develop that allocation. If the allocation is less than the amount of funds that the county proposed in the program budget, the department shall notify the county that the proposed program budget exceeds the funds available. The department shall specify how the costs proposed by the county exceed the costs used to develop the county's allocation. The county may provide any additional documentation to justify the higher funding level. If, after reviewing the additional information, the department finds that the proposed program costs are not reasonable or cost-effective, the county shall submit the necessary revisions to its plan and program budget to keep program expenditures within the amount of its allocation.

In subsequent years, the county welfare department shall submit its program budget proposal for this article at the same time as the county submits its administrative cost control plan for the Aid to Families with Dependent Children, Medi-Cal, and Food Stamp programs. If services are not available in the county, the county plan may include provisions for the purchase of services from other counties.

The plan shall be approved by the board of supervisors of each county, after a public hearing is held in accordance with existing county public hearing procedures that provide adequate notice and an opportunity for affected groups and individuals to present their views and suggestions. In approving the plan, the board shall consider the views presented by affected groups during, and as part

of the record of, the public hearing.

Prior to implementation, each plan must receive approval by the department. In determining whether a plan should be approved, the department shall consider the projected long-range cost-effectiveness of the plan, in addition to the appropriateness of the services proposed to be delivered under the plan, given the local labor market, maximum utilization of existing and generic services, and administrative ease.

No plan shall be approved by the department that does not provide an adequate range of services as described in Section 11320.3. With respect to large counties, as defined by the department for cost control purposes, "an adequate range of services" means that the counties shall provide all of the services outlined in Section 11320.3.

If two or more counties submit a joint plan, and the joint plan serves a participant caseload equal to or greater than a large county, the plan shall provide for all of the services outlined in Section 11320.3. If the services listed in Section 11320.3 are not provided for in the county plan, the county shall submit a justification as to why the services are not necessary. No plan shall be approved which requires job search and work experience of participants to the exclusion of a range of services and which does not specify the range of services, both existing and proposed to be offered participants, in accordance with this section.

No funds appropriated for purposes of this article shall be used to fund education or training services in any county plan if these services could reasonably be provided by local educational agencies from Section A or Section B of the State School Fund which are not otherwise committed. No local educational agency shall be authorized to receive funds appropriated for purposes of this article unless it has demonstrated that it has fully committed all the funds from Section A or Section B of the State School Fund available to it, as certified by the district to the Chancellor of California Community Colleges, or the Superintendent of Public Instruction. The Chancellor of the California Community Colleges and the Superintendent of Public Instruction, as appropriate, shall certify this information to the Director of Finance.

(d) In order to measure the effectiveness of county plans under this article, performance standards for this article shall be consistent with those developed for service delivery areas pursuant to Division 8 (commencing with Section 15000) of the Unemployment Insurance Code. The Health and Welfare Agency shall insure that these standards include, but are not limited to all of the following goals:

- (1) The training program participants for unsubsidized employment.
- (2) Reducing welfare costs by increasing earnings of program participants in unsubsidized employment.
- (3) Placement in unsubsidized employment resulting from all

program components.

(e) A county plan may also provide that the program provided for in this article shall apply to refugees receiving Refugee Cash Assistance or to recipients of aid under Part 5 (commencing with Section 17000), except that no funds appropriated for purposes of this article shall be utilized for purposes of applying this article to these individuals. If a county elects to apply the program provided for in this article to refugees receiving Refugee Cash Assistance or to recipients of aid under Part 5 (commencing with Section 17000), the county shall maintain separate accounting records of expenditures related to applicants for, and recipients of, aid under this chapter, and for the individuals to whom the program applies pursuant to this subdivision. Separate accounting records shall also be maintained for participants who are time-eligible refugees receiving federally funded Aid to Families with Dependent Children benefits. If a county elects to apply the program provided for in this article to recipients of aid under Part 5 (commencing with Section 17000), these individuals shall have the same rights, duties, and responsibilities that a participant has who is an applicant for, or a recipient of, aid under this chapter. Any participation by general assistance recipients shall not constitute any actual or implied responsibility for, or assumption of, costs of general assistance by the state.

(f) Each county shall submit its plan to the department within two years from the effective date of this article, as added during the 1985-86 Regular Session. The department shall approve a county plan within a reasonable period of time after submission of the county plan. Notwithstanding subdivision (f), a county may phase in the participation in its program for all qualified persons over a period of up to two years from the date upon which the program commences to operate in the county. A county may incorporate into its plan any existing employment or training program for applicants for, or recipients of, aid under this chapter which is operating in the county to the extent that the program is consistent with this article.

(g) This program shall be fully operational on a statewide basis within three years after the effective date of this article, as added during the 1985-86 Regular Session, by which time the department shall approve all county plans.

(h) Counties shall continually monitor their program expenditures throughout the fiscal year. If a county determines that its anticipated expenditures will exceed the amount of that year's allocation as a result of an unexpected event, including caseload increases, court cases, or significant justifiable increases in component costs, the county shall immediately notify the department and submit a reduction plan to the department. The department shall review and respond to a county's proposed reduction plan within 30 days of receipt of the plan. The department may provide additional funds for the existing appropriation to

forestall the need for county program reductions. If the department does not respond within 30 days, the plan shall be deemed to be approved. If the department disapproves the reduction plan the county shall continue to provide services as specified in the approved plan. The department shall submit within 30 days of the disapproval of a reduction plan, a report to the Joint Legislative Budget Committee setting forth the reason for the department's disapproval.

A county's approved reduction plan shall remain in effect for no longer than the duration of the fiscal year in which the plan is approved. At the beginning of the following fiscal year, the county shall provide services pursuant to its approved program plan.

A county's plan shall propose only the following methods of reducing costs and shall use only those methods that are necessary to bring anticipated expenditures within the amounts allocated to the county, and shall use these methods for only a specified period and only in the order in which they appear below:

(1) Temporary exemption of new applicants for aid under the Aid to Families with Dependent Children—Unemployed Parent program.

(2) Temporary exemption of all Aid to Families with Dependent Children Unemployed Parent recipients who have been continuously on aid for less than one year.

(3) Temporary assignment of volunteer registrants to a waiting list, during which time these registrants will receive no services.

(4) Temporary exemption of all new applicants for aid under the Aid to Families with Dependent Children—Family Group program.

(5) Temporary exemption of all Aid to Families with Dependent Children—Family Group recipients who have been on aid for one year or more.

(6) Temporary exemption of all Aid to Families with Dependent Children—Family Group recipients who have been on aid continuously for less than one year.

(7) Temporary exemption of all Aid to Families with Dependent Children—Family Group recipients who have been continuously on aid for less than two years.

(8) Temporary exemption of all participants, based on the time on aid, with participants who have been on aid the longest being the last to receive exemptions.

Counties that can remain within their allocation shall not implement reductions.

(i) The department shall evaluate the program and shall collect data on program cost, caseload movement, and program outcomes, including data on all of the following:

(1) The numbers of voluntary and mandatory participants in each program component.

(2) The amount of time that each participant remains in each component and the types of services, including supportive services,

each participant receives.

(3) The number of recipients in each component that move to each of the other components.

(4) The number of participants sanctioned as well as the amount and duration of the sanction, the reason for the sanction, and the amount of time the participant was in the program prior to the sanction.

(5) The number of participants who go off aid, and to the extent possible, the reason they have gone off aid.

(6) The number of applicants who reapplied for and received aid after having gone off aid during the time they were participating in the program.

(7) The starting salary of employed participants.

(8) Participants job retention rates.

(9) The appropriateness of the categorization of participants.

(10) The appropriateness of assessments and employment plans.

(11) The appropriateness of preemployment preparation assignments, including a periodic review of the appropriateness of these assignments.

(12) The effectiveness of training components based upon the number of individuals placed in employment.

(13) The timeliness of preemployment preparation assignment reviews.

(14) The appropriateness of sanctions applied under this article.

The department may use standard statistical sampling methods to conduct the evaluation. The department shall maintain this data for the state and for each county. The department may contract with a qualified organization for the evaluation required by this section. The department shall submit a plan for implementing this evaluation to the Joint Legislative Budget Committee. To the extent possible, the data collection system for this evaluation shall be designed to collect data in the least expensive and least time-consuming manner possible.

Utilizing the data compiled pursuant to this subdivision, the department shall, commencing one year after the effective date of this article, as added during the 1985-86 Regular Session, annually report, by January 10, to the Legislature and the Governor on the effectiveness of the program provided for in this article. The Legislative Analyst shall submit a review of this report to the Legislature by April 15 of each year.

11320.3. (a) Each plan submitted pursuant to Section 11320.2 shall contain a methodology for the provision of job services, training and education, and supportive services to program participants. This methodology must specify how county welfare departments will cooperate with, and maximize the use of, education, child care, resource and referral agencies, job service, and other appropriate local service providers. To the extent existing programs are available to county residents, each plan submitted pursuant to Section 11320.2

shall specify the manner in which these programs shall be utilized to provide services specified in this section. The county may provide services directly to program participants or enter into interagency agreements or contracts with private or public agencies for the provision of these services.

(b) Each county shall specify in its plan its target groups and the choices that shall be made available to each target group, pursuant to Section 11320.4. The county shall make available all of its programs to each target group, but may give priorities for certain programs to groups for whom these programs are reasonably expected to be the most effective.

(c) As provided in the contract entered into pursuant to Section 11320.5, job services shall include, but not be limited to, all of the following:

(1) Job club, which shall consist of both of the following:

(A) Job search workshops. These job search workshops shall be group training sessions where participants learn various job finding skills, including training in basic job seeking skills, job development skills, job interviewing skills, understanding employer requirements and expectations, and how to enhance self-esteem, self-image, and confidence.

(B) Supervised job search, which shall include, but not be limited to, access to phone banks in a clean and well-lighted place, job orders, direct referrals to employers, or other organized methods of seeking work which are overseen, reviewed, and criticized by a trained employment professional. The amount and type of activity required during this supervised job search period shall be determined by the county and the participant, based on the participant's employment history and need for supportive services, and shall be consistent with regulations developed by the department.

(2) Unsupervised job search. The individual shall seek work in his or her own way, and make periodic progress reports no less frequently than every two weeks to the county welfare department or the agency contracting with that department.

(3) Job placement, which shall include, but not be limited to, referrals to jobs listed by employers with the State Job Service.

(4) Job development, which shall be active assistance in seeking employment provided to a participant by a trained employment professional on a one-to-one basis.

(5) Employment counseling, which shall be counseling aimed at helping a person reach an informed decision on an appropriate employment goal.

(d) As provided in the contract entered into pursuant to Section 11320.5, training and education services include, but are not limited to, all of the following:

(1) Job training, which shall include, but is not limited to, training in employer-specific job skills in a classroom or onsite setting, including training provided by local private industry council

programs and community colleges.

(2) Preemployment preparation shall be work for a public or nonprofit agency that provides the participant with either of the following:

(A) Basic preemployment preparation, which shall provide work behavior skills and a reference for future unsubsidized employment.

(B) Advanced preemployment preparation, which shall provide on-the-job enhancement of existing participant skills in a position related to a participant's experience, training, or education acquired as a result of the services funded pursuant to a contract entered into pursuant to Section 11320.5.

A short-term preemployment preparation assignment shall be for not longer than three months, and may be provided as a preparation for other education and training services as a part of the contract amendments pursuant to subdivision (d) and (e) of Section 11320.5. A long-term preemployment preparation assignment shall not exceed one year. The number of hours a person participates in a preemployment preparation program shall be determined by adding his or her aid grant under this chapter, less any child support paid to the county, and his or her food stamp allotment and dividing by the average hourly wage for all job orders placed with the Employment Development Department. The average hourly wage shall be updated annually every July 1. No preemployment preparation assignment shall exceed 32 hours per week.

(3) Adult basic education, which shall be preemployment basic education, including reading, writing, and arithmetic necessary for employment or job training, including high school proficiency.

(4) College and community college education, when that education provides sufficient employment skills training that can reasonably be expected to lead to employment.

(5) Vocational English-as-a-second-language which shall be intensive instruction in English for non-English speaking participants, coordinated with specific job training.

(6) Grant diversion.

(7) Supported work.

(8) Transitional employment.

For purposes of paragraph (6), "grant diversion" means public or private sector employment or on-the-job training at comparable wage rates, in which the recipient's cash grant, or a portion thereof, or the welfare grant savings from employment, is diverted to the employer as a wage subsidy.

For purposes of paragraphs (7) and (8), "supported work or transitional employment" means a form of grant diversion in which the recipient's cash grant, or a portion thereof, or the welfare grant savings from employment, is diverted to an intermediary service provider.

Grant diversion, supported work, and transitional employment projects shall be administered so that the recipient shall not receive

less disposable income than if he or she had not participated in the project. "Disposable income" means the income available to the recipient by adding the aid payment acquired pursuant to this chapter and earnings from the grant diversion project and subtracting the allowable employment related expenses.

The grant, a portion of the grant, or the estimated savings due to the earnings from a grant diversion project may be diverted into a special fund created by the county welfare department for this purpose. An employer may be reimbursed from the special fund pursuant to a contract developed by the county welfare department or the service delivery area with the employer.

The county shall obtain agreements with employers that participants will be employed upon successful completion of the grant diversion, supported work, or transitional employment period in any related job openings, and that employers will not discriminate against participants on the basis of race, sex, national origin, age, or disability. A participating employer or service provider shall obtain and maintain a surety bond in an amount equal to the total annual grant diverted to the employer or service provider. Except as provided in subdivision (b) of Section 11320.6, there shall be no interruption in receipt of income, whether wages from the employer or aid payments by the department, caused by an employer's conduct. No grant diversion, supported work, and transitional employment program shall be implemented under this article until a plan for such a program is approved by the department. No plan for grant diversion supported work or transitional employment programs shall be approved if the plan would jeopardize federal financial participation. Standards established by the department for purposes of these programs shall not prohibit a significant portion of recipients from participation.

A plan submitted under this subparagraph shall include provisions for immediate reissuance to the recipient of any grant or portion of a grant paid to an employer or intermediary, which has been lost due to fraud, malfeasance, or theft on the part of the employer or intermediary. This plan shall also include provisions for reissuance to the recipient of any grant or portion of a grant paid to an employer or intermediary, when the recipient is determined to have had good cause for declining to participate pursuant to Section 11320.7. In the event that funds are lost due to fraud, malfeasance, or theft by an employer, the county shall initiate an action to recover from the employer or intermediary any of those funds.

(e) As provided in the contract pursuant to Section 11320.5, supportive services shall include, but are not limited to, all of the following:

(1) Child care. Paid child care shall be available to every participant with a child under 12 years of age who needs it in order to participate in the program component to which he or she is assigned.

(2) Transportation costs shall be paid for every participant to and from his or her job or training assignment.

(3) Ancillary expenses, which shall include the cost of books, tools, clothing, fees, and other necessary costs of a work or training assignment.

(4) Personal counseling. A participant who has personal or family problems that would affect the outcome of the employment plan entered into pursuant to Section 11320.5 shall, to the extent available, receive necessary counseling or therapy to help him or her and his or her family adjust to his or her job or training assignment.

(f) Payments for supportive services, as described in subdivision (e), shall be advanced to the participant, wherever necessary, and when desired by the participant, so that the participant need not use his or her funds to pay for these services.

If the participant is working in unsubsidized employment after having participated in this program, child care shall be available for a transition period of not less than three months. If the participant is working in unsubsidized employment after having participated in this program, coverage under the Medi-Cal program shall also be provided for a transition period consistent with federal requirements.

The cost of support services, including reimbursement to licensed day care providers, shall be governed by regional market rates. Reimbursement to child care providers shall not exceed the fee charged to private clients for the same service. Participants shall be allowed to choose legal child care and the cost of that child care shall be reimbursed by counties if the cost is within the regional market rate. The regional market rate means care costing no more than 1.5 market standard deviations above the mean cost of care for that region. Reimbursement shall be made at a rate lower than that charged to private clients for the same service if the child care program agrees to charge a lower fee. Reimbursement shall be made on a per month, per week, per day, or per hour basis depending upon the basis used to charge private clients for the same service. For purposes of this section, regional market rates shall be determined in accordance with resource and referral programs provided for under Article 2 (commencing with Section 8210) of Chapter 2 of Part 6 of the Education Code, and the Alternative Payment Program provided for under Article 3 (commencing with Section 8220) of Chapter 2 of Part 6 of the Education Code. Participant plans shall include immediate referrals to local resource and referral agencies. The department shall use the State Department of Education sliding scale fee schedule for participants receiving child care. Day care by family members shall be encouraged, but the choice between licensed or exempt day care arrangements shall be made by the recipient.

(g) Each county welfare department shall be encouraged to contract with existing service providers for any or all child care

services arrangements. If the county welfare department elects to contract with any child care provider which is also under contract with the State Department of Education, these contracts shall be consistent with, and shall not supersede, all of the following:

(1) Chapter 2 (commencing with Section 8200) of Part 6 of the Education Code.

(2) Applicable provisions of Title 5 and Title 22 of the California Administrative Code.

(3) Applicable State Department of Education contract provisions.

(h) In order to provide maximum choice to parents, and to ensure the availability of child care, each county shall do all of the following:

(1) Assist participants to locate child care during and after participation under this article.

(2) Allow and promote parent choice by providing flexibility in child care arrangements and establishing payment arrangements, as necessary, to meet the cost of licensed or exempt child care settings.

(3) Assist in the development of new child care capacity, where needed.

(4) Provide for the continuity of child care during the participants postprogram transition period consistent with subdivision (f) of Section 11320.3.

(5) Provide services to meet the child care needs of all children in the participant's family up to the age of twelve.

(6) Provide child care to participants whose program demands flexible hours of care including evening, weekends, and split shifts.

(7) To the extent possible provide for transportation of children from school to care, if reasonable and necessary.

The county may contract with the public and private child care programs to provide any or all of the services specified in this subdivision.

(i) Resource and referral programs shall assist the county welfare departments to determine the child care needs of Greater Avenues for Independence participants, provide them with a listing of available child care services in the service area, and facilitate the efforts of county welfare departments, school districts, local child care providers and parent groups for the expansion of child care services.

(j) If the county welfare department or a contractor pays for child care services which are exempt from licensure, all of the following information about the care giver shall be on file with the county welfare department or the contractor and shall be made available to the participant:

(1) The name and address of the care provider.

(2) The address where care is to be provided.

(3) The hours care is to be provided and the charge for this care.

(4) The names, addresses and telephone number of two character references.

(5) A copy of a valid California driver's license or other identification to establish that the care giver is at least 18 years old.

(6) A statement from the caregiver as to his or her health education, experience or other qualification, criminal record, and names and ages of other persons in the home or providing care.

(k) The department, under the direction of the Health and Welfare Agency, the Chancellor's office of the California Community Colleges, and the State Department of Education shall each develop and implement regulations whereby any payment for services from funds appropriated for the purposes of this article and delivered pursuant to subdivision (d) by a county or an entity contracting with a county shall be made in accordance with a competitively selected fixed unit price performance-based contract. Under these contracts, full payment shall not be considered earned until either of the following has occurred:

(1) The participant has successfully completed the education program.

(2) The participant has successfully completed the job training program and has been retained in unsubsidized employment for at least 180 days.

Up to 70 percent of the fixed unit price for job training may be paid upon placement. At least 30 percent of the fixed unit price for job training shall be withheld for the followup during the 180-day retention period. Progress payments shall be made from this portion upon evidence of job retention at 30, 90, and 180 days. A pro rata share of the 70 percent payment shall be paid to the training provider if the participant fails to complete the training.

(l) Whenever a plan entered into pursuant to Section 11320.5 provides for the use of education services provided for in subdivision (d), utilization of each education program component shall not exceed two academic years.

11320.35. A preemployment preparation position utilized pursuant to this article may not be created as the result of, or may not result in, any of the following:

(a) Displacement of current employees, including overtime currently worked by these employees.

(b) The filling of established unfilled positions, unless the positions are unfunded in a public agency budget.

(c) The filling of positions which would otherwise be promotional opportunities for current employees.

(d) The filling of a position, prior to compliance with applicable personnel procedures or provisions of collective bargaining agreements.

(e) The filling of a position created by termination, layoff, or reduction in workforce.

(f) The filling of a work assignment customarily performed by a worker in a job classification within a recognized collective bargaining unit in that specific worksite, or the filling of a work

assignment in any bargaining unit in which funded positions are vacant or in which regular employees are on layoffs.

(g) A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers.

11320.36. The sponsor of a preemployment preparation assignment shall assist and encourage qualified preemployment preparation participants to compete for job openings occurring within the sponsor's organization for which they qualify.

Workers assigned to public agencies shall be allowed to participate in classified service examinations equivalent to the positions they occupy, as well as all open and promotional examinations for which experience in the position or other relevant experience is qualifying under merit system rules. Time worked in the preemployment preparation positions shall apply toward seniority in the merit public agency positions.

11320.38. Any employment or training program position created pursuant to this article, other than a preemployment preparation position may not be created as a result of, or may not result in, any of the following:

(a) Displacement of current employees, including overtime currently worked by these employees.

(b) The filling of positions which would otherwise be promotional opportunities for current employees.

(c) The filling of a position, prior to compliance with applicable personnel procedures or provisions of collective bargaining agreements.

(d) The filling of a position created by termination, layoff, or reduction in workforce, caused by the employer's intent to fill the position with a subsidized position pursuant to this article.

(e) A strike, lockout, or other bona fide labor dispute, or violation of any existing collective bargaining agreement between employees and employers.

11320.4. (a) Each county welfare department shall, in providing services to participants under this article, provide services to each participant which will best meet his or her needs. Services to be provided to each participant shall be specified in the contract entered into between the county welfare department and the participant pursuant to Section 11320.5. In developing each contract, the county shall take into consideration the specific target groups in the county, the availability of resources identified pursuant to Section 11320.3, and the choices which shall be made available to each group as required by this article.

(b) Priority in providing expensive services and services which must be provided for a lengthy period of time shall be given to persons who have been recipients of aid under this chapter for at least two years or who have little or no employment history. These individuals shall be given priority in receiving services such as

supported work, as provided for in paragraph (8) of subdivision (d) of Section 11320.3, and lengthy classroom training.

(c) Program participants who have been recipients of aid under this chapter for less than two years and who have a history of employment shall be provided with less costly services and short-term services, unless a determination is made that these types of services would not be effective in assisting a program participant to achieve the ultimate goal of obtaining unsubsidized employment.

11320.5. (a) At the time an individual applies for aid under this chapter, or at the time a recipient's eligibility for aid is redetermined, the county shall determine whether the individual is required to register for the program provided under this article. At the time this determination is made, any individual who is deemed to be required to register under this article shall immediately register with the county welfare department. At the time an individual registers pursuant to this article, he or she shall receive a written preliminary determination that he or she is a member of a targeted group, for purposes of the federal Targeted Jobs Tax Credit and the California Jobs Tax Credit. With respect to any person required to register under this article, registration pursuant to subdivision (b), shall be a condition of eligibility for aid under this chapter, except that any delay in registration due to circumstances beyond the control of the individual shall not adversely affect his or her eligibility for aid under this chapter. The recipient may appeal a determination that he or she is required to register under this article or sign a basic contract pursuant to subdivision (b), through the procedures set forth in Chapter 7 (commencing with Section 10950) of Part 2. Persons not required to register may volunteer to participate. An applicant for, or a recipient of, aid who is dissatisfied with the terms of the basic contract may seek redress through informal and formal conciliation.

Unless otherwise exempt, all of the following persons shall not be required to participate in program components, beyond registration, until the county welfare department determines that the situation not requiring participation no longer exists:

(1) A caretaker relative who is enrolled in school for at least 12 units of credit and has a child under age six.

(2) A person who is so seriously dependent upon alcohol or drugs that work or training is precluded.

(3) A person who is having an emotional or mental problem that precludes participation.

(4) A person who is involved in legal difficulties, such as court-maintained appearances, which preclude participation.

(5) A person who does not have the legal right to work in the United States.

(6) A person who has a severe family crisis.

(7) A person who is in good standing in a union which controls referrals and hiring in the occupation.

(8) A person who is temporarily laid off from a job with a definite

call-back date.

(9) A person who is employed for 15 or more hours per week.

(10) A person, or a family member, has a medically verified illness.

(b) At the time an individual registers pursuant to this article, including persons who volunteer to participate, or with respect to any individual described in paragraphs (1) to (10) of subdivision (a) at the time the situation which permits nonparticipation no longer exists, every individual shall enter into a written basic contract with the county welfare department. The county shall offer the participant three days in which to consider and evaluate the proposed terms of this contract, or any subsequent amendments to this contract. The contract shall contain all of the following:

(1) The contract shall be written in clear and understandable language. The contract shall have a simple and easy-to-read format. The contract shall contain at least all of the following general information:

(A) A general description of the program provided for in this article.

(B) A description of the services, including supportive services such as child care and transportation, available to program participants.

(C) A description of the rights, duties and responsibilities of program participants, including a list of the exemptions from required participation under this article and the consequences of a refusal to participate in program components.

(2) In the case of any participant who has not been employed within two years from the date of registration, except for a participant described in paragraph (4), the contract shall provide that the participant shall participate in job club for a period of three weeks, as defined in paragraph (1) of subdivision (c) of Section 11320.3. Participation pursuant to this paragraph may be delayed in accordance with paragraph (5) or (6).

(3) In the case of any participant who has been employed within two years of the date of registration, except for a participant described in paragraph (4), the participant shall have the option to participate in a three-week period of job club, as defined in paragraph (1) of subdivision (c) of Section 11320.3, or in a three-week period of supervised job search, as defined in subparagraph (B) of paragraph (1) of subdivision (c) of Section 11320.3. At the discretion of the employment and training counselor and with the approval of the first or second line supervisor, the job search period may be shortened when it is determined that all reasonable job search efforts have been exhausted. The participant shall choose one of the options upon signing the contract. Participation pursuant to this paragraph may be delayed in accordance with paragraphs (5) or (6).

(4) Notwithstanding paragraphs (2) and (3), in the case of any participant who has been a recipient of aid under this chapter more

than twice within three years from the date of registration, the contract shall provide for immediate referral to assessment pursuant to subdivision (c). Participation pursuant to this paragraph may be delayed in accordance with paragraph (5) or (6).

(5) An individual who is enrolled in a self-initiated vocational training program of limited duration or an educational program which leads to unsubsidized employment may continue to participate in that program until completion, or in the case of an educational program, for a maximum of two academic years. Participation in the vocational or educational training program shall be reflected in the basic contract. The basic contract shall provide that whenever an individual to which this paragraph applies ceases to participate in, fails or refuses to attend regularly, or does not maintain satisfactory progress in, the educational or vocational training program, the individual shall participate in this program in accordance with paragraphs (2), (3), or (4), whichever is applicable.

(6) For those participants who lack basic literacy or mathematics skills, a high school diploma or its equivalent, or English language skills, the basic contract shall provide for either remedial education, instruction in order to obtain a general educational development certificate, or instruction in English-as-a-second-language. These participants shall be referred to appropriate service providers, including the educational programs operated by school districts or county offices of education that have contracted with the Superintendent of Public Instruction to provide services to participants pursuant to Section 33117.5 of the Education Code. The basic contract shall provide that when an individual, to which this paragraph applies, fails, refuses, or ceases to participate in the instruction provided for in this paragraph, without good cause, as specified in Section 11320.7, the individual shall be subject to the sanction provisions of Section 11320.6.

(c) A participant described in paragraph (4) of subdivision (b), and any participant described in paragraphs (2) or (3) of subdivision (b) who has not obtained employment after his or her three weeks of participation in job club or supervised job search, shall work with the county welfare department to initiate the development of an employment plan. In developing the employment plan pursuant to this subdivision, the county and the participant shall develop an assessment of the skills and needs of the participant, which shall include at least all of the following:

(1) The participant's work history, including an inventory of his or her employment skills, knowledge, and abilities.

(2) The participant's educational history and present educational competency level.

(3) The participant's need for supportive services in order to obtain the greatest benefit from the employment and training services offered under this article.

(4) The employment goals of the participant, and an evaluation of

the chances for the achievement of these goals given the current potential skills of the participant and the local labor market conditions.

(5) A goal to be attained upon completion of the program, including the period of time it will take to achieve this goal, and the resources available under this program for the attainment of that goal. This assessment shall be done by a person qualified by education or experience to provide counseling, guidance, assessment, or career planning. The county may contract with outside parties, including local educational agencies and service delivery areas to provide the assessment required by this subdivision.

(d) When the county and the participant have completed the assessment process required pursuant to subdivision (c), and they have agreed upon a goal to be attained under this program and the resources to be utilized in attaining that goal, the county and the participant shall amend the basic contract entered into pursuant to subdivision (b). The contract amendment shall specify the goal to be attained, the training or education services to be provided to the participant in order to attain the goal, which may consist of either one or more of the program components provided for in subdivisions (c) and (d) of Section 11320.3, and the criteria for successful completion of these services and attainment of the goal. With respect to education and training programs, the criteria shall include regular attendance, satisfactory progress, and completion of the program. The contract amendment shall provide for supportive services as necessary for participation in this program. Once the participant has begun his or her training or education, he or she shall have 30 days in which to request a change or reassignment to another component. The county shall grant the participant's request for reassignment to another component that is consistent with the results of the assessment. This grace period shall be spelled out in the contract amendment and shall be available only once to each participant.

If services to be provided under the contract are not immediately available to the participant, he or she shall receive job search services until the education or training services designated in the contract are available.

Any individual who meets the established criteria for successful completion of the training or education services to which he or she is assigned, but who remains unemployed, shall be referred to job search services for a period of 90 days. These job search services may, depending upon the needs of the participant, include any of the services provided for in subdivision (c) of Section 11320.3. If the participant remains unemployed at the end of this 90-day job search period, he or she shall be evaluated and reassigned to an advanced long-term preemployment preparation assignment, as defined in paragraph (2) of subdivision (d) of Section 11320.3.

If at any time a participant does not meet the established criteria for successful completion of the training or education services to

which he or she is assigned, the participant shall be reassigned to a basic long-term preemployment preparation assignment, as defined in paragraph (2) of subdivision (d) of Section 11320.3. The assignment to advanced or basic long-term preemployment preparation shall be reviewed by the county at least once every six months, for its continuing conformity to the contract, and likelihood of leading to unsubsidized employment. This review shall require an onsite visit to the participants worksite, and a discussion with the participant about his or her assignment and his or her job search progress. At the end of the one-year period specified in subdivision (d) of Section 11320.3, the county and the participant shall review the employment plan and, using the procedure described in subdivision (c), shall make any revisions necessary to obtain the goal of unsubsidized employment for the participant. These revisions shall become an amendment to the basic contract as provided in this subdivision.

Whenever a participant is assigned to a program component, the contract shall be amended to reflect the assignment. The county and the recipient shall be bound by the terms of any amendments made to the contract. The participant shall maintain responsible and adequate progress toward the goal of employment through the methods set forth in the plan, and the county shall provide the services specified in the plan.

(e) Notwithstanding the procedures set forth in Chapter 7 (commencing with Section 10950) of Part 2, if the participant and the worker are unable to reach agreement on amending a contract, pursuant to subdivision (d), the matter shall be referred by the county for an independent assessment by an impartial third party with career planning experience. The results of this assessment, which shall be binding upon the county and the participant, shall be used to develop the appropriate employment plan for the participant.

No assessment under this subdivision shall be made by a party having any financial or other interest in the result of the assessment. The party making the assessment shall be selected by the department according to an unbiased procedure. Remuneration for this assessment shall be made by the department according to a fair fixed fee established by regulations of the department.

(f) A participant shall not be placed involuntarily in any other training or education component while waiting for assignment to the component agreed to in his or her contract.

Since a participant assigned to preemployment preparation, as defined in paragraph (2) of subdivision (d) of Section 11320.3, will be expected to continue to seek employment, at any time during the participant's preemployment preparation assignment he or she may request job services, as defined in subdivision (c) of Section 11320.3.

(g) Any participant who fails or refuses to participate in the program developed by the assessment pursuant to subdivision (e)

shall receive sanctions in accordance with Section 11320.6.

Any county which fails to provide services according to its plan approved pursuant to this article shall receive sanctions in accordance with Section 10605. A recipient or a group of recipients may request the director to invoke Section 10605.

(h) Any participant who has entered into an amended contract plan pursuant to subdivision (d) and who, at any time, fails or refuses to participate in a component to which he or she has agreed to participate without good cause, shall be subject to sanctions in accordance with Section 11320.6.

11320.55. If an overpayment occurs pursuant to Section 11004, the number of hours calculated according to subdivision (d) of Section 11320.3 represented by the overpayment recoupment shall be deducted from the hours of participation required in future months. If a participant ceases to participate under this article before the adjustment in hours can be made, the county shall forgive the overpayment.

11320.6. (a) Whenever an individual has failed or refused to participate without good cause in a program component to which he or she is assigned pursuant to subdivision (b), (d), or (e) of Section 11320.5, and the participant continues to refuse to participate after a period of informal and formal conciliation between the county and the participant, sanctions shall be imposed in accordance with subdivision (b) or (c), whichever is applicable. The department shall develop regulations specifying the maximum length of time which may be utilized in informal conciliation efforts. These efforts may utilize discussions with the supervisors of employees who make the decisions as to whether a participant has refused to participate without good cause in a program component to which he or she is assigned. Formal conciliation efforts shall follow informal conciliation efforts, if the latter have not resolved the dispute. Formal conciliation shall be conducted in accordance with Section 5302 of the Unemployment Insurance Code.

(b) Except for persons voluntarily participating in this program, whenever the participant engages in an initial failure or refusal to participate without good cause, in a program component to which he or she has been assigned pursuant to subdivision (b), (d), or (e) of Section 11320.5, and conciliation efforts pursuant to Section 5302 of the Unemployment Insurance Code have failed, the family shall be placed on money management services for three months, except that if the participant and the county welfare department reach an agreement on program participation during this sanction period, or if the participant agrees to participate and performs the activity he or she previously refused to perform, money management services shall be terminated as soon as possible. Financial sanctions shall be imposed in accordance with Section 11308 if any of the following events occur:

(1) The participant continues to refuse to participate after the

three month money management services sanction period.

(2) The participant engages in a second instance of nonparticipation without good cause.

(3) The participant refuses to participate in violation of an agreement made during the imposition of money management services sanctions.

(c) The sanctions provided for in subdivision (b) shall not apply to an individual voluntarily participating in the program. If such an individual engages in conduct which would bring about the imposition of sanctions provided for in subdivision (b), except for his or her status as a voluntary program participant, the individual shall be precluded from participating in the program for a period of six months.

11320.65. Except as specified in this section, whenever a participant believes that any program requirement or assignment in this program is in violation of his or her contract or is inconsistent with this article, the participant may invoke the formal grievance procedure, which shall be conducted in accordance with Section 5302 of the Unemployment Insurance Code, request a fair hearing pursuant to Chapter 7 (commencing with Section 10950) of Part 2, or utilize a formal grievance procedure to be established by the county board of supervisors, and to be specified in the plan developed by each county pursuant to Section 11320.2. If the participant is not satisfied with the outcome of the grievance procedure, he or she may appeal the decision in accordance with the procedures set forth in Chapter 7 (commencing with Section 10950) of Part 2. Participants shall be subject to sanctions pending the outcome of the formal grievance procedure or any subsequent appeal, only if they fail to participate during the period the grievance procedure is being processed. A participant shall not, however, utilize the grievance procedure to appeal the results of an assessment made pursuant to subdivisions (c) or (e) of Section 11320.5.

11320.7. No sanctions shall be applied for a failure or refusal to participate with good cause. Good cause for failure or refusal to participate in a program component to which a participant is assigned pursuant to subdivisions (b), (d), or (e) of Section 11320.5 shall include all of the following:

(a) An assignment, job referral, or job does not meet appropriate work and training criteria due to any of the following:

(1) The employment, offer of employment, activity or other training for employment discriminates in terms of age, sex, race, religion, ethnic origin, or physical or mental handicap.

(2) The employment or offer of employment, exceeds the daily or weekly hours of work customary to the occupation.

(3) The employment, offer of employment, activity, or other training for employment requires travel to and from the place of employment, activity, or other training and one's home that exceeds a total of two hours in round trip time, exclusive of the time necessary

to transport family members to a school or place providing care, or when walking is the only available means of transportation, the round trip is more than two miles, exclusive of the mileage necessary to accompany family members to a school or a place providing care.

(4) The employment, offer of employment, activity, or other training for employment involves conditions and specific responsibilities that impair the individual's physical or mental health or are not related to the individual's capability to perform the task on a regular basis.

(5) The employment, offer of employment, activity, or other training for employment involves conditions that are in violation of applicable health and safety standards.

(6) The employment, offer of employment or work activity, does not provide for worker's compensation insurance.

(7) An employment or training program position utilized pursuant to this article may not be created in violation of Section 11320.35.

(8) The employment, offer of employment, activity, or other training is not within the scope of the employment plan as contained in the contract provided for under Section 11320.5.

(9) Accepting the employment, offer of employment, or work activity would cause the individual to violate the terms of his or her union membership.

(10) Accepting the employment, offer of employment, or work activity would cause an interruption in an education or job training program in progress, excluding community work experience assignments as defined in paragraph (2) of subdivision (d) of Section 11320.3, or would prevent the individual from returning to his or her regular job within a reasonable time, unless the job offer provides either of the following:

(A) Employment and sufficient income to lead to self-support and the job offer is within the scope of the employment plan.

(B) Temporary employment while the individual is waiting for reemployment in his or her regular job.

(11) The participant is not receiving the supportive services agreed to under the contract entered into pursuant to Section 11320.5.

(12) In addition to good cause as specified in this section, no sanction shall be applied to any participant who is absent or tardy for periods up to 10 percent of the weekly hours required for any component. However, this time shall not accumulate.

(13) The employment or offer of employment is at a wage level that results in a net loss of income, in accordance with subdivision (1).

(b) The individual is temporarily physically incapacitated or suffers temporary physical illness.

(c) The individual is required to appear in a court proceeding or is incarcerated.

(d) The individual is suffering a family crisis or changed individual family circumstance as evidenced, for example, by the death of a spouse, parent, or child or an illness of a spouse, parent, or child which requires the individual's immediate attention.

(e) Inclement weather or other act of nature precludes individual and other persons similarly situated from traveling to an activity.

(f) There is a breakdown in transportation arrangements with no ready access to alternate transportation.

(g) The individual needs any other necessary social service not specifically mentioned in his or her contract.

(h) An individual refuses to accept major medical services even if the refusal precludes participation in the program.

(i) Licensed or exempt child care is reasonably unavailable, or unavailable during the individual's hours of training or employment including commuting time, or arrangements for child care have broken down or have been interrupted. For purposes of this section, "reasonably" includes having at least two choices of child care arrangements. The choices of day care shall meet either licensing requirements or the criteria established pursuant to subdivision (i) of Section 11320.3. This exemption shall include the unavailability of suitable special needs child care for identified special needs children, including children with disabilities, chronic illnesses, or other special needs.

(j) An individual is engaged in employment or training that is consistent with the employability objectives of the program, and prior notification and approval from the worker has been received.

(k) At the discretion of the county, any other substantial and compelling reason other than those specified in this section.

(l) Net loss of income would occur pursuant to the conditions provided for in this subdivision, if an offer of employment which results in a net income of less than 100 percent of a person's grant and that was not agreed to or part of a participant's employment training contract is accepted. Net loss of income shall be deemed to occur when current income is greater than the postemployment income would be if the job offer were accepted. "Postemployment income" means any unearned income plus the gross earnings from the job offered, less all of the following: mandatory and legal deductions from the proposed salary, the cost to the participant of health insurance premiums offered by the prospective employer or if none is offered, the cost of purchasing health insurance coverage based on the competitive market rate, child care, transportation, and other mandatory work-related expenses, and the cash equivalent value of the difference between the assistance food stamps and the nonassistance food stamps for which the participant is eligible.

For purposes of computing the income disregards, the regional market rate for child care, transportation, and other mandatory work-related expenses shall be used. Regional market rates for child care shall be determined in accordance with the Alternative

Payment Program as provided for under Article 3 (commencing with Section 8220) of Chapter 2 of Part 6 of the Education Code.

11320.75. A participant under this article shall have all due process rights granted pursuant to Chapter 7 (commencing with Section 10950) of Part 2.

11320.8. All contracts between counties and providers of services under this article, including employers providing preemployment preparation, shall include specific performance criteria. Any such contract or agreement shall also include the provision of job placement by the education or service provider. These contracts shall provide for termination of the contract at the discretion of the county if the provider either: (1) violates the contract between the county and the participant provided by Section 11320.4, or (2) fails to meet the performance criteria specified in the contract.

11320.9. (a) The department shall seek any federal funds available for implementation of this article, including, but not limited to, funds available under Title IV of the federal Social Security Act (42 U.S.C. Sec. 601 et seq.) for the Work Incentive Demonstration Program, the Employment Search Program, and the Community Work Experience Program.

(b) The department shall seek any waiver from the Secretary of the United States Department of Health and Human Services which is necessary to implement this article.

SEC. 12. The State Department of Education shall report to the State Department of Social Services each quarter the number of children receiving, and the amount of expenditure for, child care services provided to persons served in the State Department of Education child care programs who are eligible for federal fund reimbursement for child care services under Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

The State Department of Education shall enter into an interagency agreement for the purpose of transferring to the State Department of Social Services an amount from funds appropriated to the department equal to the amount spent on child care services for Greater Avenues for Independence eligible persons. Through the same interagency agreement, the State Department of Social Services shall reimburse, in a timely manner, to the State Department of Education the amount transferred including both federal and general funds.

It is the intent of the Legislature in authorizing this transfer of funds, that the State Department of Social Services utilize this transfer to maximize the use of federal funds for child care services. The State Department of Social Services shall enter into an interagency agreement with the State Department of Education to fully reimburse the amount of the transfer, regardless of the level of federal matching funds. The State Department of Education shall be held harmless from incurring a deficiency resulting from this

transfer.

SEC. 13. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, emergency regulations adopted within 120 days of the enactment of this act in order to implement this act shall not be subject to the review and approval of the Office of Administrative Law. The regulations shall not remain in effect more than 120 days unless the adopting agency complies with all the provisions of Chapter 3.5 as required by subdivision (e) of Section 11346.1 of the Government Code.

SEC. 14. (a) In order to implement this act the following augmentations are provided to the State Department of Social Services for the purposes of implementing this act, including reimbursements to counties for costs mandated by the state pursuant to this act.

For the 1985-86 fiscal year, the sum of fifteen million eight hundred thousand dollars (\$15,800,000) is hereby appropriated to the State Department of Social Services, as follows:

(1) The sum of seven million nine hundred thousand dollars (\$7,900,000) from the General Fund.

(2) The sum of seven million nine hundred thousand dollars (\$7,900,000) from the Federal Trust Fund.

(b) For the 1985-86 fiscal year, the sum of two hundred thousand dollars (\$200,000) is hereby appropriated from the General Fund to the State Department of Education for the Resource and Referral Program to support the activities required by this act. When allocating these funds, the department shall consult with the State Department of Social Services to ensure that priority for funding is given to resource and referral agencies in counties that are implementing, or planning to implement, the Greater Avenues of Independence Act.

(c) For fiscal year 1985-86, there shall be transferred from Item 6100-196-001 to the State Department of Social Services the sum required for the purpose of maximizing federal funds for child care services. The State Department of Social Services shall enter into an interagency agreement to fully reimburse the State Department of Education in a timely manner for the amount of any transfer. The State Department of Education shall be held harmless from any deficiency resulting from this transfer. The Department of Finance shall report any transfers to the Joint Legislative Budget Committee and the respective fiscal committees pursuant to Section 28 of the 1985 Budget Act.

SEC. 14.5. Except as specifically provided in this act, appropriations for purposes of this act for subsequent fiscal years shall be made annually through the Budget Act.

SEC. 15. Notwithstanding any other provision of law to the contrary, the sum of two million dollars (\$2,000,000) is hereby reappropriated from Item 6100-156-001 of the Budget Act of 1985 to

the Superintendent of Public Instruction for the purposes of Section 33117.5 of the Education Code.

SEC. 15.5. In order to encourage school districts to educate and train welfare recipients under the provisions of Section 33117.5 of the Education Code, as added by this act, the sum of one million dollars (\$1,000,000) is appropriated from the General Fund as a one-time augmentation to appropriations contained in the Budget Act of 1985 as follows:

(a) Budget Item 6100-102-001: the sum of five hundred thousand dollars (\$500,000).

(b) Budget Item 6100-156-001: the sum of five hundred thousand dollars (\$500,000).

These additional funds shall be available only upon a determination by the Superintendent of Public Instruction that the amounts appropriated for budget Items 6100-102-001 and 6100-156-001 by the Budget Act of 1985 have been fully utilized.

SEC. 16. It is the intent of the Legislature that the annual Budget Act provide an amount equal to one-half of the amount provided from Job Training Partnership Act funds for the purposes of Section 33117.5 of the Education Code from each of Items 6100-102-001 and 6100-156-001.

SEC. 17. This act shall become operative only if SB 303 is enacted during the 1985 portion of the 1985-86 Regular Session.

SEC. 18. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

The program provided for in this act will materially assist applicants for, and recipients of, aid to families with dependent children to obtain employment thereby reducing dependency on public assistance and any delay in implementation would result in the further denial of this needed assistance to applicants and recipients. Furthermore, in order to ensure that this state has the opportunity to implement the program provided for in this act as part of the three-year Work Incentive Demonstration Program, which is currently being implemented in pilot counties and will be implemented in all WIN counties effective July 1, 1985, it is necessary that this act go into immediate effect.